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GRAND JURY ROOM

WE, THE GRAND JURY

An education in American citizenship

CLAUDIA ANDERSON

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COVER: SHUTTERSTOCK

He's Richard the Third, He Is

As readers may have guessed, **THE SCRAPBOOK** was delighted by the news that the bones dug up from under a parking lot in the British Midlands a few months ago are, indeed, the remains of King Richard (“Now is the winter of our discontent . . .”) the Third of England.

In the old days, of course, we would have had to be content with relative confidence in his identity: The man under the car park suffered from scoliosis, as any reader of Shakespeare’s *Richard III* would suspect, and bore unmistakable signs of having been clobbered by a weapon of war (perhaps a halberd) in the skull, shot by an arrow, and abused in his postmortem state.

There was also evidence of a rich diet, especially seafood, indicating what we would call a comfortable lifestyle by the standards of late medieval England. Then, too, the parking lot is located where a church stood centuries ago, the same church where the corpse of Richard III was supposed to have been shoved unceremoniously under the choir after the Battle of Bosworth Field.

This is all circumstantial evidence, and pretty persuasive at that. But the decisive fact is that the skeleton, despite being 528 years old, contains

DNA residue, which proved an exact match with two living descendants of Richard’s sister, Anne of York. So, by any reasonable measure, the skeleton in the car park is the last Plantagenet king of England—dethroned after two years by his rival claimant, Henry Tudor, later Henry VII—who may also be described as the last medieval English king, and the last to lose his crown on the battlefield.

The archaeological world, as well as the global community of Anglophiles, is clearly excited. But Richard’s recovery has led to an unanticipated quandary: What to do with him? Nobody wants to return him to the parking lot, we’re relieved to report: The current consensus is that he should be laid to rest in nearby Leicester Cathedral and buried according to the rites of England’s Established Church. Some argue, however, that as the last standard-bearer of the House of York, Richard belongs in York Minster; and since he died in 1485, a generation before the Reformation, he should be granted a Roman Catholic funeral. (**THE SCRAPBOOK** suspects that some middle solution will be found, perhaps a joint Anglican-Catholic service in Leicester Cathedral.)

When the DNA results were announced, the *New York Times*

speculated that it “could lead to a reassessment of his brief but violent reign.” This seems highly unlikely. Yes, there is a diehard Richard III Society which has long agitated for a heroic reassessment of Richard’s reign and character. And yes, Shakespeare’s drama (written and produced in the midst of the Tudor dynasty) makes Richard more villainous than he really was. But the modern historic consensus is comparatively balanced, and the great blot on his reputation—the murder of his two young nephews, Richard of Shrewsbury and the uncrowned Edward V, in the Tower of London—remains incontrovertible.

So **THE SCRAPBOOK** is left with a few instructive conclusions. First, it is intriguing to see how the discovery of historic bones in the English Midlands appeals to imaginations across the world. And second, it tells us something about the transient quality of power that a king of England should be killed, his naked remains thrown over a horse, and essentially dumped into anonymity. Which yields a third, perhaps unifying, conclusion: Shakespeare notwithstanding, all players on the royal stage in those days, in England and elsewhere, were SOBs by our standards—but posterity favors the winners. ♦

Media Hypocrisy Watch

There were three interesting data points on media double standards in the last two weeks. First, there was the trial of Nkosi Thandiwe, who shot three women in Georgia. “I was trying to spread the message of making white people mend [their ways for colonialism],” he told the court. He further said that he developed his racist, anticolonial beliefs while studying anthropology at the University of West Georgia.

Second, Floyd Corkins II pleaded guilty in federal court to three felonies relating to his shooting of a security guard at the Family Research Center in Washington, D.C. Corkins told the court that he got FRC’s address from a map of “hate groups” on the Southern Poverty Law Center’s (SPLC) website and that he planned to kill “as many people as possible” and “smother Chick-fil-A sandwiches in their faces” as a statement about the two organizations’ opposition to gay marriage.

Third, a former LAPD cop killed three people last week, leaving be-

hind a lengthy manifesto supporting gun control efforts, as well as heaping praise on the Obamas, Joe Biden, Hillary Clinton, and a host of liberal and mainstream media figures, with special attention paid to CNN’s obnoxious Piers Morgan.

There’s a saying in journalism that three is a trend, and yet **THE SCRAPBOOK** has not seen any media hand-wringing over how left-wing ideology incites violence. And to be honest, there’s no solid reason to connect the political beliefs of these three disturbed individuals to their crimes, except to note that we’d be drowning in

televised indignation had these three killers displayed even a hint of right-of-center views.

Recall that following the shooting of Rep. Gabby Giffords, the media rushed to blame Sarah Palin for her rhetoric because she had once produced a map of Democratic congressional seats that were being “targeted.” Not only that, the SPLC itself rushed in front of every camera it could find to say that Giffords’s shooter, Jared Lee Loughner, was obviously a right-wing fanatic—never mind that his incomprehensible writings invoked Marx and lucid dreaming more than any discernible right-wing sentiment. (There was zero evidence that Loughner had even seen, much less been inspired by, Palin’s map.)

In the case of Corkins, he actually told the court that he selected his target from the SPLC’s “hate” map. It’s a stretch to say the SPLC can be blamed for the killings. However, it’s not a stretch to say that the SPLC is deeply irresponsible in calling a mainstream organization such as the Family Research Council a “hate group” alongside the Westboro Baptist Church and Aryan Nation.

In the meantime, the media remain committed to the notion that only conservative rhetoric drives political violence. Columnist Michelle Malkin recently compiled an appalling eight examples since 2009, in which politicians and media personalities rushed to blame the Tea Party or conservative talk radio for violent acts despite a total absence of evidence. Notable examples include New York mayor Michael Bloomberg’s irresponsible Tea Party speculation about the foiled 2010 Times Square bomb plot that turned out to be Islamic terrorism, and two different cases in which Democratic political offices were bombed and the culprits turned out to be disgruntled progressive activists.

THE SCRAPBOOK is tempted to say that we are mad as hell about this double standard and not going to take it any more. But we wouldn’t want our decidedly hypocritical and daft media colleagues to read too much into it. ♦



School for Scandal

The California Senate Office of Oversight and Outcomes released a report about the financial mismanagement of the Los Angeles Unified School District last week. No one expects the LAUSD—the second-largest school district in the country—would be a font of prudent financial decisions, but stealing kids’ lunch money is pretty low. From the report:

As it continued to misappropriate [\$158 million] from its cafeteria fund, Los Angeles Unified depleted a long-standing surplus and began running ever-increasing deficits in its food service program. In January, 2009—a few months before the state would

learn the extent of Los Angeles Unified’s diversions from its cafeteria account—the district held a press conference to appeal for increased state meal subsidies. The district’s news release was headlined: “Cafeteria fund cash flow may leave neediest LAUSD students hungry.”

Hot Air blogger Ed Morrissey tracked down the LAUSD press release from the grandstanding press conference mentioned above, and it only gets more appalling. The school district warned that without more money, “We may eventually be forced to replace fresh fruits and vegetables.” It’s one thing to run out of money, but given that liberal educators seem more excited about

school gardens than, say, literacy, we're surprised that the LAUSD isn't running a spinach and zucchini surplus.

This is the same school district that in 2010 opened the Robert F. Kennedy Community Schools, built on the site of the Ambassador Hotel where RFK was shot. It's an unintentionally fitting edifice to the Kennedy vision of government—the K-12 complex, to serve 4,200 students, cost a mere \$578 million. This came on the heels of the \$377 million Edward R. Roybal Learning Center, which opened in 2008, and the \$232 million Visual and Performing Arts High School that opened in 2009.

Want some more depressing numbers? In 2010, *LA Weekly* produced a doozy of an investigative report on the district:

In the past decade, LAUSD officials spent \$3.5 million trying to fire just

seven of the district's 33,000 teachers for poor classroom performance—and only four were fired, during legal struggles that wore on, on average, for five years each. Two of the three others were paid large settlements, and one was reinstated. The average cost of each battle is \$500,000. . . . [Meanwhile] 32 underperforming teachers were initially recommended for firing, but then secretly paid \$50,000 by the district, on average, to leave without a fight.

So to recap, the Los Angeles Unified School District wasted \$158 million it was given to feed needy children, blew through well over a billion dollars in taxpayer money, and has only managed to fire 4 out of 33,000 teachers for poor performance over the course of a decade, despite spending millions in legal fees. It's one thing for public schools to fail to teach the kids they are charged with. But this level of incompetence suggests that they actually have contempt for them. ♦

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Ed Koch, 1924-2013

I knew Ed Koch, and Mayor Bloomberg is no Ed Koch.

That does not mean that Bloomberg is a bad mayor, only that he and others who took over city hall after Koch's third term failed to reflect New York's boisterous energy, its chutzpah, its special sense of humor, its grittiness, its optimism, its view of life as a glorious adventure.

I wasn't a close friend of Ed's, but I did get to know him a little. We first met when he asked to drop in to see me at my apartment—and showed up about an hour early, just as I was attacking a plate of fried chicken. He grabbed a chair, joined in the assault, and made his pitch. Few had heard of him then, and he needed some money to buy television time—quite a lot of money by the standards of the day. I agreed to help, maybe because he personified everything I loved about New York.

I had already voted against Koch once, when he ran for Democratic district leader in Greenwich Village against Carmine DeSapio, who ran the city's Democratic machine. Carmine, sinister-seeming behind the dark glasses he wore because of an eye ailment, could make things happen: He got rid of the smelly buses that used to idle in Washington Square Park, filling the park with fumes and leaving the sandbox unusable by neighborhood kids. Months of pleas to city hall had brought nothing. One call to Carmine's office and it was done.

Yes, Carmine did deny ownership of an envelope containing \$11,000 in used \$100 bills that a cabbie found on the back seat after the Tammany leader left his cab. Sure, he later did time for "conspiracy," the prosecutor's all-purpose gambit for conviction. Undoubtedly, like George Washington Plunkitt, he seen his opportuni-

ties and he took 'em. But he delivered more government per dollar extracted from the taxpayer than all the good-government WASPs who displaced immigrants in city jobs when civil service tests replaced the more democratic patronage system. Oh yes, Koch beat Carmine by 41 votes.

After he became mayor, Ed asked me to head a commission to reform the taxicab system. I suggested elimi-



nating the medallions that limited the supply of cabs to the level of the 1930s. I called for open competition and all the stuff I had taught my college students. He wasn't having it. Medallions, licenses to do business, were cab drivers' one asset (never mind that most were held by fleet owners), and his political nous combined with his sense of fairness to tell him I should find some other solution to high fares and the shortage of cabs during peak hours on rainy nights.

I suggested allowing group riding to airports to make it cheaper for businessmen to visit the city. Ed said okay—until doormen complained that they were getting one tip for

hailing a cab when under the one-passenger rule they got two or three. "And doormen talk to a lot of people," the mayor reminded me. I settled for a fare premium during rush hours, on the theory that the added incentive would keep more cabs on the streets. Some drivers used the higher earnings to knock off early, reducing the supply of cabs. *Sic transit gloria mundi*, Adam Smith.

Then there was the night Ed came to dinner. Another guest was a friend and leading feminist in the city, and when the subject of job quotas for women came up, what by the standards of my new, nonethnic wife was a shouting match ensued. Koch undoubtedly knew that liberal feminists, especially the Jewish variety, were unlikely to vote for any opponent no matter where he stood on their favorite issue.

It is difficult to imagine Ed banning large sodas or trying to get salt off the tables of New York restaurants. His job was to represent us, not to deny ordinary New Yorkers their small pleasures while the great and good indulged in their more effete, expensive, and trendy ones. It is difficult, too, to imagine Ed snarling traffic—and antagonizing cab drivers—by snatching valuable street real estate from millions of motorists and turning it over to a handful of green bikers. Sure, it reduces pollution. But if you want fresh air, "waste your life in the suburbs" or move upstate and "drive 20 miles to buy a gingham dress or a Sears, Roebuck suit. This rural America thing—I'm telling you, it's a joke," Ed told an interviewer from *Playboy* during his 1982 campaign for the Democratic nomination for governor—won, not surprisingly, by Mario Cuomo, who denied authorizing the "Vote for Cuomo, not the homo" ad used against Ed.

Not for the first time and not for the last, the city's grit produced a pearl.

IRWIN M. STELZER

Don't Be Seduced by the Sequester

It's understandable that Republicans are tempted by the prospect of allowing the "sequester"—the automatic cut to defense and domestic discretionary spending agreed to as an enforcement mechanism for the 2011 debt ceiling deal—to go into effect on March 1. It's understandable because Republicans are in favor of cutting domestic spending. It's understandable because Republicans are desperate to secure what they think could be a political victory over Barack Obama and Harry Reid. It's understandable because going to the trouble of fixing the sequester would be difficult, and the effort to do so will create strains within the Republican conference.

But what's understandable isn't always responsible. Allowing the sequester to go into effect would be deeply irresponsible.

It's true that the sequester will cut domestic discretionary spending. On the other hand, it will do so ham-handedly, with no reforms to domestic programs, and with the big-ticket entitlements untouched. Far more important, the sequester will endanger national security—cutting the military abruptly and arbitrarily to levels far below what Republicans have ever thought desirable.

It's also true that President Obama has been utterly unserious about dealing with spending, and that he's now disingenuously criticizing a sequester he proposed and insisted on in 2011. This seems to be a chance to defeat and embarrass the president. He deserves defeat and embarrassment. There will be opportunities for both. But this is not the right one, not at the expense of national security.

But wait, say Republican tacticians, it's a chance to gain leverage against the president.

Leverage for what? The GOP pols who talk about "leverage" never explain what they're going to use that leverage for. The Republican House can and should prevent further tax increases, and for that matter domestic spending increases, regardless of how the sequester battle turns out. The sequester gives Republicans no leverage here. And the House will have no more ability to insist on

needed entitlement reforms or on the shape of next year's overall budget with the sequester in effect than if it's not.

Meanwhile, there's the small matter of defense and the national interest. The sequester would do real damage to both. So Republicans should resist seduction by the sequester, overcome the temptation of embracing it, and should instead take the lead in fixing it.

The Republican House, to its credit, did pass legislation in 2012 that would have fixed the sequester in a responsible way. The current Republican House should do so again, this month, before the sequester goes into effect. And it should then pressure the Senate, and the president, to come to the table and agree to an acceptable alternative to sequester, one that would avoid crippling reductions to a military that's already suffered from large and arbitrary cuts imposed by the Obama White House.



One is not enough.

Republicans—as well as Secretary of Defense Leon Panetta and defense experts across the political spectrum—have explained so many times how damaging the sequester would be to our military that there's no need to restate the case here. But consider last week's announcement by the Navy that, just 48 hours before its deployment from Norfolk to the Gulf, the USS *Harry S. Truman* would not sail but instead be put on alert to "deploy on short notice." This will leave only the USS *John C. Stennis* in the Gulf, until it is replaced by the USS *Dwight D. Eisenhower*—meaning our aircraft carrier presence in the Persian Gulf will be reduced from two carriers to one. Christopher Harmer, naval specialist at the Institute for the Study of War, explains the consequences:

It's a drastic move: The continuous deployment of two U.S. aircraft carriers to the Persian Gulf area guarantees an immediate and crushing military response to any provocation—especially to one coming from the Iranians. . . . The typical deployment pattern for two carriers in this area is to station one carrier in the Persian Gulf, inside the Strait

of Hormuz, and one outside the Persian Gulf, patrolling the Arabian Sea, Somali Basin, Gulf of Aden, Red Sea, or Indian Ocean. . . . Maintaining one aircraft carrier inside and one outside the Strait of Hormuz ensures that the Iranian Navy is constantly aware that any attempt to close the Strait will result in an overwhelming military response. A two-carrier presence has a much greater deterrent effect than a single carrier would.

Harmer continues:

The cancelled deployment and permanent reduction in carrier presence is due exclusively to defense budget cuts and the uncertainty surrounding the defense budget. Sources on the Navy staff say that one of the reasons the *Truman* deployment was delayed was because it did not have the required number of trained personnel onboard. A carrier can train and conduct exercises off the American coast without a full complement of trained personnel, but it cannot deploy overseas without being fully manned, trained, and equipped. The Navy still has enough trained personnel to man the *Truman*, but the budgetary inflexibility prevents the service from transferring those personnel to the carrier.

The failure to deploy the *Truman* will greatly strengthen the argument that the U.S. is not only in retreat, but also entering a terminal decline in power and influence. Perhaps it's because of budget constraints, but the Iranians are much more likely to see proof of their thesis that America's power is permanently waning. That belief is likely to strengthen their recalcitrance on the nuclear program and increase their willingness to support their violent proxies throughout (and, perhaps, beyond) the region. It is likely to encourage Iranian military adventurism.

The decision not to deploy the *Truman* is only the tip of the sequester iceberg—an iceberg that has been building thanks to previous cuts in the defense budget. One is reminded, reading the news about the *Truman*, of this passage from Churchill's great March 24, 1938, speech to the House of Commons on "Foreign Affairs and Disarmament": "For five years I have talked to the House on these matters, not with very great success. I have watched this famous island descending incontinently, fecklessly the stairway which leads to a dark gulf. It is a fine broad stairway at the beginning, but after a bit the carpet ends. A little further on there are only flagstones, and a little further on still, these break beneath your feet."

Sequester is only one step down a stairway at the bottom of which the stones will break beneath our feet. But it's an important step. It's too important a step for the Republican party to be complicit in. Its likely negative consequences are far more important than any possible benefit that could come from a small and probably temporary cut in domestic discretionary spending, or from the satisfaction of highlighting the hypocrisy of Barack Obama and the irresponsibility of Harry Reid. Barack Obama and Harry Reid may be willing to sacrifice the national interest for petty and tempo-

rary political victories. Republicans shouldn't be willing to do so. A great political party, on matters of great moment, puts national defense, and the national interest, first.

—William Kristol

Brennan's Evasions



John Brennan is no Chuck Hagel. That much was clear from the confirmation hearings on Brennan's nomination to head the CIA. Unlike Hagel, who stumbled and mumbled through his performance, Brennan demonstrated a deep knowledge of his brief and answered (or gamely parried) tough questions with great self-assurance and forcefulness.

But several of Brennan's answers before the Senate Select Committee on Intelligence were problematic. Indeed, his three and a half hours of testimony raised important questions on two issues central to his nomination: the politicization of intelligence and the Obama administration's approach to fighting radical Islam. Brennan will face additional questions in both areas at a closed hearing on his nomination on February 12. He should.

During the hearing last week, several senators asked Brennan about the enhanced interrogation techniques (EITs) used by the CIA during the Bush administration. In a 2007 interview, Brennan offered a broad defense of the program. "There [has] been a lot of information that has come out from these interrogation procedures that the agency has in fact used against the real hardcore terrorists," Brennan said. "It has saved lives," he continued. "And let's not forget, these are hardened terrorists who have been responsible

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for 9/11, who have shown no remorse at all for the deaths of 3,000 innocents.”

In the same interview, however, Brennan criticized waterboarding as “inconsistent with American values” and “something that should be prohibited.” That wasn’t good enough for many Democrats, who not only believed that EITs were immoral but also desperately needed them to be deemed ineffective, even if the evidence demonstrated otherwise. So Democrats on the intelligence committee undertook a “study” of EITs in an effort to discredit them further. Not surprisingly, the report questions the practices’ effectiveness.

When Brennan was asked for his thoughts on the 350-page executive summary—again, prepared only by Democrats—he testified that it had changed his mind. “I must tell you, senator, that reading this report from the committee raises serious questions about the information that I was given at the time and the impression I had at that time. Now I have to determine what, based on that information as well as what CIA says, what the truth is.”

So Brennan trusts a partisan report produced by senators whose conclusions were announced before the study was even commissioned as much as his own firsthand, contemporaneous knowledge of the effectiveness of the program while he was at the CIA? As Senator Saxby Chambliss pointed out, Brennan received more than 50 emails on the results of interrogations of Abu Zubaydah, one of three al Qaeda leaders to be waterboarded. Brennan’s predecessors who have spoken about the issue publicly—Michael Hayden and Leon Panetta—have acknowledged that EITs produced valuable information. And a close look at the CIA inspector general’s report on EITs leaves readers with one inescapable conclusion: They worked.

If Brennan’s apparent change of heart on EITs causes concern about his ability to put analysis ahead of politics, his comments on Ali Harzi, a suspect in the Benghazi attacks last fall, raise questions about the Obama administration’s approach to radical Islam and—more immediately troubling—Brennan’s veracity.

Did John Brennan lie under oath? The answer appears to be yes.

Here’s the backstory. Senator Marco Rubio asked Brennan about Harzi, who was detained in Tunisia and eventually released by the Tunisian government. When Rubio asked why the United States couldn’t prevent Harzi’s release by the Tunisians, Brennan responded that the United States must respect Tunisian law and traditions. “The Tunisians did not have a basis in their law to hold him.” And when Rubio pushed further, Brennan dismissed his concerns and made a claim that simply isn’t true.

“We didn’t have anything on him, either,” Brennan said. “If we did, we would have made a point to the Tunisians to turn him over to us, but we didn’t have that.”

We didn’t have *anything* on him?

First, Harzi had a history. He’d been detained by the Tunisian government for five years, from 2006 to 2011, on terrorism charges. Among other concerns, he was then seeking to join his brother, a midlevel operative in Al Qaeda in Iraq. Second, after the Benghazi attack Harzi was detained in Turkey, at least in part on the basis of intelligence provided to the Turks by the U.S. government. Third, Harzi was held in Tunisia for three months on the strength of intelligence the U.S. government collected about his involvement in the Benghazi attacks. According to the *Daily Beast*, that intelligence included real-time social media updates from Benghazi about the unfolding attack. Fourth, Harzi’s own lawyer says that the Tunisian courts are still monitoring Harzi because he remains charged with membership in a terrorist group.

If Brennan believes the U.S. government doesn’t have “anything” on Harzi, it’s hard to find others who share that assessment.

“He was involved,” one U.S. official familiar with the investigation told THE WEEKLY STANDARD. This view echoed those of several intelligence and law enforcement officials.

Fawzi Jaballah, an adviser to Tunisia’s justice ministry, said the Tunisian attorney general opposed the release. Interior minister Ali Larayedh said in a TV interview that Harzi is “strongly suspected to have been involved in the attack of Benghazi.”

Former Secretary of State Hillary Clinton suggested during her final appearance before the Senate Foreign Relations Committee that there is evidence of Harzi’s involvement—just not evidence that can be presented in court.

“Upon his release, I called the Tunisian prime minister,” she testified. “A few days later [FBI] Director Mueller met with the Tunisian prime minister. We have been assured that he is under the monitoring of the court. He was released because at that time—and Director Mueller and I spoke about this at some length—there was not an ability for evidence to be presented yet that was capable of being presented in an open court.”

Of course, not having evidence that can be presented “in an open court” is very different from not having “anything on him.” Would an FBI team spend five weeks on the ground in Tunisia if the U.S. government had no evidence of his involvement in the attack? And why would the FBI director discuss Harzi with the prime minister of Tunisia if the U.S. government “didn’t have anything on him”?

The short answer: He wouldn’t. Three sources familiar with the investigation tell THE WEEKLY STANDARD that one of the main reasons for Mueller’s mid-January stop in Tunisia was to press the Tunisian government for help with Harzi. And no one among the dozen U.S. officials spoken to for this story agreed with Brennan’s characterization that the U.S. government “didn’t have anything on him.” Harzi was not the most important figure in the Benghazi attacks, but there is no

doubt the United States has evidence of his involvement.

Senator Lindsey Graham and Representative Frank Wolf worked with the State Department and the FBI to get the Tunisian government to allow the FBI access to Harzi. “There was a sense of urgency from the FBI in all of my discussions about him,” says Graham. “The FBI guys I talked to felt very strongly that this guy was involved. He was a prime target.”

Wolf, who has spoken regularly to senior State Department and FBI officials, says he had the same understanding. “The FBI team that went over there to interview him—they believe he was there [in Benghazi] and has a lot of information. I’m told he remains a person of significant interest.”

An FBI spokesman tells *THE WEEKLY STANDARD*: “I don’t think there’s anything we can say on the record while this is under investigation.”

Brennan’s eagerness to downplay Ali Harzi should concern senators for another reason. It’s consistent with the Obama administration’s response to jihadist attacks and radical Islam more broadly. So when Umar Farouk Abdulmutallab tried to blow up an airliner over Detroit, the president falsely claimed he was “an isolated extremist” long after it was clear that he was a committed jihadist with strong ties to Al Qaeda in the Arabian Peninsula. And when Faisal Shahzad sought to blow up an SUV in Times Square, Secretary of Homeland Security Janet Napolitano called it a “one-off” attack by an unaffiliated individual, ignoring claims of responsibility from the Pakistani Taliban.

And on Benghazi, the Obama administration’s official line, as articulated by Susan Rice five days later, was that the attacks that killed four Americans were “spontaneous” and the result of an anti-Islam video. She said this despite a report from the CIA station chief in Libya that the assault had been a terrorist attack and also claims from the nation’s two top defense officials—Leon Panetta and General Martin Dempsey—that they knew this on the night of September 11. And Brennan’s claims of transparency notwithstanding, the White House still refuses to produce 70 emails that top administration and intelligence officials exchanged in preparing the “talking points” for Rice’s television appearances.

John Brennan may not be Chuck Hagel. But that’s not a reason to confirm him.

—Stephen F. Hayes

Drone On

During World War II, a small number of German Americans fought for Nazi Germany as members of the Waffen-SS. Does anyone think the U.S. military would have given a second thought to whether it might kill those traitors—whether they were found on the

battlefield, in a planning cell back in Berlin, or even in some third country involved in secret operations to disrupt the Allied effort?

Today, we apparently need pages on pages of Justice Department legalese (“Lawfulness of a Lethal Operation Directed Against a U.S. Citizen Who is a Senior Operational Leader of Al-Qa’ida or an Associated Force”) to justify killing Americans who have become senior jihadist terrorists and who are trying to kill as many innocent Americans as possible.

Of course, it’s no small irony that the candidate who once railed against the Bush administration’s so-called imperial presidency in the war on terror now finds himself under attack by his own base (and a few on the right) for his “secret” program of targeted killings. However, there is nothing like reality—in this case, the global, nebulous network of al Qaeda and allied terrorists—to bring home to a sitting president his fundamental constitutional responsibility to protect the lives and property of his fellow citizens.

The further irony is that while the Justice Department argues that a targeted killing can only take place when the targeted person poses “an imminent threat of violent attack against the United States,” it so broadens the concept that it concludes that the government need not have “clear evidence that a specific attack on U.S. person and interests will take place in the immediate future”—only a pattern of plotting such attacks. Given the spotty past record of the intelligence community in actually knowing when a specific terrorist plot is underway, this redefining of “imminent” is reasonable enough—although it can’t help but remind folks of the similar logic behind the Bush administration’s justification for preemptive war.

Predictably, libertarians of the left and the right have responded with near hysterics. The white paper policy, some claim, would allow the government “to kill citizens anywhere in the world”—including the United States—and strips those same citizens of their Fifth Amendment rights not to be deprived of “life, liberty, or property, without due process of law.” Both points are off the mark.

The white paper makes it clear that, when a law-enforcement option is available and feasible—as is the case in the United States (but not so in the ungoverned territories of Pakistan or Yemen)—this is the government’s required path. As for the Fifth Amendment, due process has never been understood as an absolute right without commonsense exceptions or, for that matter, always and everywhere requiring judicial involvement. To take an obvious example, police officers are not thought to have violated anyone’s rights when they shoot and kill a suspect who is armed and posing a danger either to them or to other citizens. Circumstances matter, and the speed with which critics of the drone program dismiss those circumstances is more indicative of their policy preferences—that we not be at war—than their constitutional acuity.

“It’s hard to believe,” the ACLU’s Hina Shamsi lamented, that the white paper “was produced in a democracy built on a system of checks and balances.” But what Shamsi and her colleagues really don’t want to believe is that the policy spelled out in the white paper is indeed a product of just that system.

Congress authorized the war against al Qaeda and its allies. While many details of the drone strikes remain secret, it can hardly be argued that Congress isn’t aware of the program’s existence or the administration’s general legal justification for it; Attorney General Eric Holder spelled out much the same case for the program last March in a speech at Northwestern University. Nor is it possible for the administration to carry out the program without congressional authorizations, either by the intelligence or the armed services committees. And as the confirmation hearings of CIA director nominee John Brennan demonstrate, Congress has always had the ability to dig deeper if it chooses to use its oversight powers. What the critics don’t want to admit is that poll after poll indicates that the American public supports the drone program, and members of Congress, within reason, will reflect that support.

Nor is it the case that the courts have been ignored. It is impossible to read the white paper, with its citations of court decisions and its criteria for “balancing”

state and individual interests based on court decisions, and not conclude that the paper was produced in the shadow of the federal court’s newfound, post-9/11 willingness to review executive branch counterterrorism policies. Shamsi also conveniently ignores the fact that when the ACLU sued the U.S. government over placing Anwar al-Awlaki (the American citizen and radical imam who planned the failed “underwear bomber” attack over Detroit in 2009 and was subsequently killed by a drone strike) on a “kill list,” the federal court dismissed the suit. According to the court, these were policies and decisions the Constitution had left in the hands of the political branches, those “best positioned and most politically accountable for making them.” In short, those opposed to the drone program got their day in court; they just don’t like what the court decided.

None of this means that the administration’s expanded use of drones is above debate. The debate, however, should center on the policy, and not exaggerated claims about the Constitution. Drone strikes can be an appropriate tool of war, but one wonders whether they have increasingly become a substitute for a comprehensive counterterrorism policy. Given the rise of jihadist forces throughout the Middle East and parts of Africa, that’s the discussion we should be having.

—Gary Schmitt

Energy Development = Economic Growth (Just Ask North Dakota)

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

When it comes to energy, Washington could learn a lot from North Dakota. Leaders in government and business have come together to safely and responsibly develop the state’s vast natural resources. As a result, North Dakota is at the epicenter of a shale energy boom and is reaping enormous economic benefits.

Oil production in the region has nearly quadrupled since 2005. Production in 2012 topped 700 million barrels per day. North Dakota has recently passed Alaska to become the second highest oil-producing state behind Texas. The state also produces great quantities of coal, America’s most abundant natural resource.

According to a report sponsored by the U.S. Chamber’s Energy Institute and conducted by IHS-CERA, shale energy production in North Dakota supports 70,000 jobs and generates \$4 billion in

state and local revenue. Those numbers are expected to climb to 114,000 jobs and \$6 billion in revenue by 2020. It’s no accident that the state has an unemployment rate of just 3.2%—the lowest in the nation. North Dakota would also benefit from the Keystone XL Pipeline, which, if approved by the Obama administration, would help move oil from the Bakken formation to the rest of the country.

America needs to follow North Dakota’s example. Our nation has more oil, gas, and coal than any other country. We are the largest single natural gas producer in the world. Not only can we use these resources ourselves to displace energy we currently import from unfriendly nations, we can also begin to reduce our trade deficit by exporting energy to other markets.

The abundance of affordable natural gas is also attracting good manufacturing jobs back to America. Over the next 20 years, energy can create millions of additional jobs spread all across this country and generate trillions in government revenues.

To achieve these great benefits, we

need to open up new areas to exploration. We’ve foolishly locked away too much of our resources onshore and off our coasts. We need a predictable and fair regulatory environment. The federal government shouldn’t pick winners and losers or subject energy projects to endless and duplicative reviews. We should stop EPA’s efforts to ban the production and use of coal. And we should continue with the next generation of nuclear power plants and develop alternative energy sources such as wind, solar, and geothermal.

By fully embracing America’s energy opportunity, we can accelerate growth, create millions of new jobs, lessen our dependence on foreign sources, and create huge new revenues for government.

North Dakota is leading the way on energy. Washington would be smart to follow.



U.S. CHAMBER OF COMMERCE
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Culture of Corruption

Caribbean-based company ICSSI had seen its lucrative contract to X-ray the cargo entering the Dominican Republic languish for years when, in 2011, it began searching for an investor with political pull. Perhaps someone with the right connections would be able to pressure the Dominicans into enforcing the contract, which was valued at somewhere between \$500 million and \$1 billion over 20 years. And that special someone, it seemed, was Salomon E. Melgen, a Dominican-born ophthalmologist and businessman in South Florida, who had acquired a reputation as a powerful and expansive donor to Democratic politicians *de los Estados Unidos*. Melgen bought a controlling stake in ICSSI. Maybe he could succeed where others had failed.

Last year, in the middle of the presidential election, Melgen's medical practice donated some \$700,000 to Majority PAC, a "super" political action committee founded by former staffers to Senate majority leader Harry Reid. As a super-PAC, Majority PAC is allowed under federal law to accept unlimited contributions for "independent expenditures" not coordinated with candidates or campaigns.

The particular expenditures Majority PAC was interested in making independently were on behalf of Democratic Senate candidates, including \$582,000 in support of New Jersey Democrat Bob Menendez, who was facing a rather inconsequential, don't-worry-be-happy challenge from Republican state senator Joe Kyrillos. And who happened to be a longtime pal of Dr. Salomon E. Melgen. And who suddenly developed an active and vocal interest in contract law.

Wasn't it a problem, Menendez asked during a July 31, 2012, hearing of the Senate Foreign Relations subcommittee on the Western Hemisphere, that Latin American and Caribbean nations were not fulfilling legally binding obligations? There was, for instance, one "company that has American investors that is seeking to—has a contract actually given to it by the—kind of ratified by the Dominican Congress—to do X-ray of all of the cargo that goes through the ports, which have been problematic and for which in the past narcotics have been included in those cargo. And they don't want to live by that contract either." So what was the United States government going to do about it?

Menendez raised similar concerns in conversations with State Department officials. What the U.S. government ended up doing about it, however, was probably not what he'd intended. For what the U.S. government, in

the form of FBI and Department of Health and Human Services personnel, ended up doing was raiding the West Palm Beach offices of Dr. Melgen over the course of two days during the final week of January 2013. These federal personnel, according to reports, left with some 30 boxes of evidence. And that evidence would seem to pertain, also according to reports, to not one but two ongoing investigations. One involves allegations of Medicare fraud. The other involves allegations of public corruption.

This is bad news for Menendez. Melgen and his family, having contributed during the 2010 cycle more than \$30,000 to Menendez, and more than \$60,000 to the Democratic Senatorial Campaign Committee, which Menendez chaired at the time, are some of the senator's biggest donors. But Melgen is more than that. He also seems to have assumed an unofficial and unpaid position as Menendez's travel agent, ferrying the New Jersey Democrat to and from exclusive properties in the Dominican Republic on his private jet.

We know, for example, of three trips the friends made to the Caribbean in 2010. And we know that, up until about, oh, a month ago, Menendez had disclosed payment for only one of them: \$5,380 for a trip in May 2010. Reimbursement for the other trips, the senator told reporters last week, sort of "fell through the cracks." After all, Bob Menendez is a very, very busy man. "I was in a big travel schedule in 2010."

It took two years, and the filing of an ethics complaint, for Menendez to acknowledge the remaining trips. He did this by writing a personal check to Melgen for the hefty amount of \$58,500, suggesting the eye doctor charges payday-loan levels of interest. The senator and his office argue that the reimbursement settles the question of whether the previous nondisclosure violated ethics rules. And they are all too happy to reject and denounce accusations that Menendez and Melgen hired prostitutes, which is legal in the Dominican Republic, on their foreign trips. You know how it is: *What happens in Casa de Campo...*

But these are dodges. The inquiry into Salomon Melgen and his relationship with Bob Menendez, it seems to us, is only just beginning. Last week brought news that a longtime aide to Menendez was due to be hired by one of Melgen's companies. Melgen's claim of association with Harvard and Yale has also come under question. The similarities to the Jack Abramoff lobbying scandal, in which a Republican congressman and congressional aides went to prison for illegally accepting gifts and travel, are striking. With one critical difference: Throughout the Abramoff scandal, which contributed to the GOP's loss of Congress in 2006, Democrats and their allies in the press denounced in blistering terms the "culture of corruption" of insidious relationships between lawmakers, staff, and influence peddlers in Washington.

So far, though, Republican officials have been rather silent on the Menendez issue. No need to be shy. Who will be the first to speak up? Who will be the first to call for an end to the culture of corruption in Harry Reid's Senate?

—Matthew Continetti



The Complete Package

Ronald Reagan,
the great narrator.

BY FRED BARNES

Inauguration Day, 1981

In February 1981, President Reagan was searching for ways to win support for spending cuts. He'd been president less than a month. The national debt was closing in on \$1 trillion and Reagan wanted the public to grasp the danger of owing that much money—and thus the need to slash government spending.

Reagan had come upon a tantalizing nugget of information: A stack of \$1,000 bills totaling \$1 trillion would be 80 miles high. But when he informed his speechwriters of this, they were skeptical. They checked with the U.S. Mint. By extrapolating from measurements of \$1,000 bills, the mint determined Reagan was on to something. A \$1 trillion stack, it turned out, would be 67 miles high.

And so Reagan's speech to Congress on February 18, 1981, included this passage near the top:

Our national debt is approaching \$1 trillion. A few weeks ago I called such a figure incomprehensible, and

I've been trying ever since to think of a way to illustrate how big a trillion really is. And the best I could come up with is that if you had a stack of \$1,000 bills in your hand only four inches high, you'd be a millionaire. A trillion dollars would be a stack of \$1,000 bills 67 miles high.

That spring, Reagan's spending cuts—most of them—were approved by a solidly Democratic House to the chagrin of Speaker Tip O'Neill. And Reagan's knack for explaining dry economic numbers in plain and uncomplicated terms was an important contributing factor.

I cite this example of Reagan's gift of political persuasion for two reasons. It's instructive, or at least should be. He did what politicians don't do today. He defined economic terms and concepts in easily understandable language. Mitt Romney failed at this in his presidential campaign. And his surrogates, except for Paul Ryan, were just as opaque.

Reagan didn't assume voters understand economic jargon. Do they know why the debt-to-GDP ratio matters? Do they have a clue about the damage a "debt crisis" would cause? Can they visualize what today's national debt of \$16 trillion looks like? Not likely.

Reagan would have tutored them so they could.

The second reason is broader. His role as the Great Explainer was only one aspect of Reagan that separates him from 21st-century Republican candidates and national leaders and from Democrats like President Obama as well. As much as they yearn to be like Reagan, they cannot. He had skills and strengths they lack.

Reagan said having been an actor really came in handy in politics, but so did his experience as a speechwriter. "Until I got to the White House, I wrote all my own speeches," he insisted. George H. Nash, the scholar of conservatism, investigated Reagan's claim and said he "found no reason to disbelieve him."

George P. Shultz, Reagan's secretary of state, got a hands-on lesson in speechwriting from Reagan. In his introduction to a collection of Reagan's writings, Shultz recalled asking Reagan to look over a proposed speech on foreign policy "to be sure that I had it the way he wanted it." Reagan read the speech and declared it to be "quite satisfactory."

Then, after a pause, Reagan said, "Of course, if I were giving that speech, it would be different." How so? Shultz

Fred Barnes is executive editor of THE WEEKLY STANDARD. This article is a condensed version of his speech last week to the Ronald Reagan Society at Eureka College in Illinois, Reagan's alma mater.

asked. “Well, you’ve written this so it can be read,” Reagan said. “It can be reprinted in the *New York Times* or in your *State Department Bulletin*. . . . But I talk to people—when they are in front of me, or at the other end of a television camera or a radio microphone—and that’s different.”

Reagan showed Shultz what he meant. He edited the speech. “He made four or five edits and put a caret in the margin and wrote ‘story.’ Then he handed it back to me. As I read what he had done, I saw that he had changed the tone of my speech completely.”

In his speeches, Reagan emphasized the lives of individual Americans, believing audiences would be interested, even mesmerized. He talked far more about others than himself. He invented the stagecraft of having a “hero” in the House gallery, introducing him, and telling his story.

Reagan also had a “narrative” before that term had become fashionable—a story or a few sentences that told what motivated him. Most politicians’ narratives are personal. Senator Marco Rubio’s is about his family’s coming to America from Cuba and finding a great land of opportunity. One of President Obama’s narratives says Republicans had run the economy into a ditch and wanted to take the wheel again, but he wouldn’t let them.

Reagan’s narrative was bigger. It was about America as a “shining city on a hill.” He devoted his speech to the first Conservative Political Action Conference in 1974 to it, and mentioned it 40 times as president. It became “his signature line in his ballad of America’s story,” Nash wrote. “For him this single image seemed to capture the essence of what he termed the nation’s ‘destiny.’” It was this “city on a hill” that Reagan warned was threatened by big government and Soviet communism.

Contrary to his reputation, Reagan was enormously self-disciplined. He ignored the political buzz that often gripped Washington and agitated his aides. “From show business, he knew the difference of playing to the critics and playing to the box office,” says Reagan historian Steven Hayward. He didn’t let the press get under his skin.

“His discipline extended to knowing not to make any news in interviews,” Hayward says. He cared about how the media covered him, “but knew he’d be better off acting as if he didn’t care.”

As a presidential candidate, Romney touted himself as a “full-spectrum conservative.” He wasn’t, but Reagan really was, and knew exactly why. Romney’s campaign was fixated on one issue, the economy. Reagan believed economic and social conservatism could be combined in one “politically effective whole.”

He made a case for this in 1977 in a CPAC address. “What I envision is not simply a melding together of two branches of American conservatism into a temporary uneasy alliance, but the creation of a new, lasting majority,” he said. “We went a long way toward doing it in California. We can do it in America.”

In fact, he did. Reagan spawned a conservative era based on what his

former aide Jeffrey Bell calls “integrated conservatism.” Romney jettisoned the social conservative side, and lost. “Subtraction rather than addition from your core philosophy is not how you prevail in an age of polarization,” Bell says.

In early 1981, Reagan didn’t agonize about using a gimmick like that stack of \$1,000 bills. He used another as a metaphor for a weak dollar. Again, his aides were dubious. But it was Reagan’s idea and he went ahead with it.

“Here is a dollar such as you earned, spent, or saved in 1960,” he said in a televised speech to Congress. He held up a dollar bill. “And here is a quarter, a dime, and a penny—36 cents.” He held up the three coins. “That’s what this 1960 dollar is worth today. And if the present world inflation rate should continue three more years, that dollar will be worth a quarter.”

It was a contrivance, for sure, but it made the case, as only Reagan could. ♦

The Unchanging CIA

Technology and spies go well together.

BY REUEL MARC GERECHT

John Brennan’s nomination to be the next director of the Central Intelligence Agency has sparked another debate about Langley’s priorities and deficiencies. Brennan, the king of drones at his counterterrorist perch in the White House, could accelerate, some critics fear, the agency’s transformation into a high-tech killer elite who no longer apply themselves assiduously to the recruitment and running of human spies. America’s war against Islamic radicalism has

already, some observers think, caused the Clandestine Service to mutate into an organization whose ethos is defined by paramilitary officers.

For those with a memory, this criticism sounds familiar. Not that long ago—2001 to be exact—the CIA and the Clinton administration were scorched for supposedly allowing clandestine human-intelligence collection to decline in favor of high-tech satellite reconnaissance and communications intercepts. This critique dovetailed nicely with an elitist take on Langley: An intelligence community too concerned with gadgets hadn’t made the necessary effort to recruit the best and brightest from America’s top-tier

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schools. If the operations and analysis directorates had only employed more and better-paid Yalies, the reasoning went, we might not have had 9/11.

These criticisms followed an earlier and even more politically charged one: Espionage had fallen victim to “covert action” during the Reagan years, just as “HUMINT” had played second fiddle to “CA” when Allen Dulles was the central intelligence director in the 1950s. The 2007 best-seller *Legacy of Ashes*, by Tim Weiner, then intelligence reporter for the *New York Times*, advanced this narrative and suggested that George W. Bush and his Global War on Terrorism had led Langley, again, into a covert-action morass. Since the agency’s paramilitary activity is a form of covert action, this critique, as Weiner himself recently put it in the *Times*, is still valid.

Neat, literarily appealing, and a bit harsher on Republicans than post-Vietnam Democrats, all these criticisms are wrong. Killer drones, reconnaissance satellites, the global array of electronic ears run by the military’s National Security Agency, and covert action haven’t hurt the CIA mission to find and run spies against the country’s adversaries and enemies. The agency has often conducted espionage poorly, but that has a lot to do with the nature of the profession—our faults are common among foreign intelligence services—and the particularities of the bigger-is-better American character. Predators, high-tech “toys,” and most profoundly covert action have, more often than not, pushed the CIA to collect better human intelligence.

Always remember: Espionage is cheap. A couple billion dollars can give anyone a global spy service. I have never heard an American case officer who was running an operation say that he no longer had the money to do what he needed for his job. This isn’t true in the foreign service. American diplomats usually don’t even have the pocket money to take their foreign counterparts to lunch with the regularity conducive to intimate, illuminating reporting. And truth be told, it is America’s diplomatic cables, as routine as they often are, that give Washington

analysts, including those stacked up like firewood inside Langley, the grist for their work.

Although the insolvency of the U.S. government may one day force bean-counters to cut real muscle from the CIA’s workforce, that hasn’t happened yet. The Clandestine Service still has, like Langley’s analytical wing, far too many officers feeding the bureaucratic beast. Given the reality of recruiting spies (the best intelligence sources usually volunteer their services), the CIA has too many operatives chasing too many mediocre targets. Thank God for satellites, intercepts, and the tens of billions of dollars spent on



John Brennan

other forms of electronic intelligence. They have provided more golden insights than espionage.

And the agency’s paramilitary officers and the paramilitary contractors hired since 9/11 have not changed Langley’s bureaucratic structure. “Inside” staff—case officers who rise through the ranks working the espionage beat—still rule. The paramilitary corps, known often as “knuckle-draggers,” like the more refined cadre of non-official-cover officers who never set foot inside an embassy or consulate, are still not considered fast tracks for promotion. As in any organization, find the fastest track for advancement, and you will find that institution’s ethos. Throughout the Vietnam years, when case officers flooded into Southeast Asia, and the paramilitary contingent within the operations directorate grew

enormously (far more than we’ve seen since 9/11), classic spy-hunting operatives never lost control of Langley.

More important, paramilitary work, even when it’s just providing training to foreign security services, brings case officers closer to their targets. It forces operatives to be more familiar with the terrain, the cultural, political, and geographical imperatives that often define a people, especially in less-developed, war-ravaged lands. It raises the CIA’s intelligence-collection game.

Drones do, too. The agency and the Pentagon need “targetable” information to use these machines. Information provided by foreign-intelligence “liaison” services and electronic intelligence are often indispensable to aiming a Predator at an enemy. But CIA clandestine human intelligence can matter. A file review of drone targeting would probably reveal that the Clandestine Service has not regularly supplied the critical information necessary for a lethal strike—hence the more complex targeting matrix to which administration officials sometimes allude. But to the extent that the service has helped, it has obliged case officers to push themselves intellectually and operationally. It pulls—harder than traditional espionage—“inside” case officers out of their diplomatic preserves. That’s never a bad thing.

The odds are good that the CIA has an increasingly weak grasp of its primary targets in the Islamic world. The tumult of the Arab Spring, the historic failure of still-friendly Arab intelligence services to see beyond their national borders, the overkill of drones (if a terrorist is worth a missile, he may well be worth risking American lives to capture and aggressively interrogate), and the inability of the CIA to operate in dangerous places when the U.S. Army isn’t present—all are working against Langley. With an American withdrawal, Afghanistan will likely become a black hole for reliable HUMINT. The coming darkness regionally is probably unavoidable. And if the terrorists successfully strike, the debates and recriminations will recycle as painfully as before. ♦

Not a Real Olive Branch

Obama's phony compromise on contraception.

BY WESLEY J. SMITH

The Obama administration pulled another fast one last week, announcing its much-anticipated “compromise” on the free-birth-control rule as it affects religious employers opposed to contraception. There was hope in some quarters that the administration would back off its narrow religious exemption. Alas, a careful reading of the proposed rule shows that instead of offering a true *modus vivendi*, the administration launched a stealth power grab. Not only does the “compromise” maintain the previous aggressive government intrusion into the religious sphere, but it uses the controversy as a pretext for increasing Obamacare’s control over private insurers.

To understand the game that is afoot, a little history. Before last year, health insurance was regulated at the state level, and most of the states that required certain policies to cover birth control also offered conscience exemptions. Then came Obamacare. In February 2012, interpreting its authority under the new law, the Department of Health and Human Services issued a rule requiring all employers with 50 full-time workers or more to provide them health insurance covering contraception, sterilization, and morning-after pills free, with a conscience exemption limited to churches or associations of churches as well as the “exclusively religious activities” of these groups. Catholic employers were the most conspicuously affected, since

the Catholic church’s position on these issues is well established. Thus, under last year’s rule, the Catholic Ecclesiastical Province of Newark presumably would not have had to provide free birth control, but most Catholic schools, universities, hospitals, and other charities would.



All smoke and mirrors

This ignited a firestorm. Bishops protested. Civil libertarians decried the assault on the First Amendment. Lawsuits were threatened. With an election near, the Obama administration delayed the effective date of the rule as it applied to these objecting religious organizations until August 1, 2013, and promised to fashion a new approach. The rule went into effect for all other employers on August 1, 2012.

Now the new rule has been unveiled. Simply extending to the schools and charities the same exemption churches enjoy would have been the obvious, most respectful, and constitutionally appropriate resolution of the controversy, short of doing away with the mandate entirely. But that isn't the Obama way.

Instead, there will now be two classes of religious objectors under the rule. The first are the churches previously exempted. All other religious nonprofits opposed to contraception—the ones about which the big fuss was made—will receive a mere “accommodation.”

This accommodation is smoke and mirrors. It requires all female employees (and eligible dependents, among them teenage girls) of the objecting groups to be covered for free contraception, like it or not. Here's how the accommodation will work:

- The employer must comply with the provisions of the Affordable Care Act and purchase a general group health plan.

- The employer must certify to its insurance carrier that it objects to contraception for religious reasons.

- The insurance carrier then must “automatically enroll participants and beneficiaries in a separate health insurance policy that covers recommended contraceptive services.”

- The insurance carrier must provide this supplemental policy to employees free of charge.

Thus the religious employer's purchase of health insurance—required by law—automatically triggers the free coverage of contraception.

This means that in many cases, even nuns will be insured for birth control. The objecting organizations remain complicit in furthering an activity their faith deems sinful—with no opt-out other than to break the law by not buying health insurance and then face stiff fines.

The proposed rule also impinges on the liberty of the private sector by compelling insurers to provide a free product to specified organizations for the purpose of furthering the administration's goal of “gender equality” (as Department of Justice lawyers have argued in legal briefs). Thus, insurers will be able to charge companies like Google and Sears for contraception and sterilization coverage. They will also be able to charge churches that are not doctrinally opposed to birth control and thus do not qualify for either exemption or accommodation. But insurers will not be allowed to charge

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Catholic Charities or Georgetown University, while still having to provide contraceptive coverage—an act of blatant conscription.

Defenders of the new approach excuse the fiat by noting that issuers of free insurance policies “may qualify for a reduction in the user fee” they pay for participating in federally facilitated insurance exchanges. But note the paper-pushing required to obtain the offset. Insurance companies providing free birth control coverage must, among other bureaucratic reporting requirements:

- “Provide monthly data on the number of individuals to whom the contraceptive coverage is being provided”;

- Attest that all recipients of the policy “received a copy of the written notice” of coverage that must be given to all employees;

- Attest “that the issuer provided contraceptive coverage” according to the provisions of the rule;

- “Identify the QHP(s) [Qualifying Health Plan(s)] being offered through a Federally-facilitated Exchange with respect to . . . the user fee reduction”;

- “Submit an estimate of the cost of contraceptive coverage to HHS for approval, in the manner and time-frame specified by HHS, concurrent with documentation or data supporting that estimate.”

Rather than do all that—or sue the government for forcing them to supply a free product—many insurers may find it easier not to offer coverage to religious organizations opposed to contraception. Hmm . . . perhaps that is one of the points.

When you think about it, the free-birth-control “compromise” is ingenious statism. With the private sector forced to foot the bill for unwanted contraceptive coverage, the regulation appears more difficult to oppose on First Amendment grounds. This allows the media to claim, falsely, that the administration has backed off its moral imperialism against (mostly) Catholic charitable organizations. It also generates bitterness, churning, turmoil, and political division—the Obama administration’s favorite

governing stance—and does so in such a complicated way that opponents of this coercion can be made to appear as if they are the unreasonable ones.

The issue here is not contraception, but the demolition of limited government. If the Obama administration can force the private sector to provide a free product to help the government circumvent a constitutionally protected freedom, what can it not do? Why not also one day

mandate free, universal coverage of abortion? After all, the president and many of his supporters plainly would regard this as enlightened policy. For that matter, why should the ability to force the private sector to pay for favored social agendas be limited to health care? If this “compromise” sticks, all manner of power grabbers and social engineers will be rubbing their hands in eager anticipation of all the “good” they can do. ♦

A Temporary Majority

The problem Democrats can’t solve.

BY JAY COST

A tradition after each national election, presidential or midterm, is for the pundit class to pontificate on whether and how the results point to a realignment. This exercise dates back at least to the publication of *The Emerging Republican Majority* by Kevin Phillips in 1969, and it continues to this day. Now, of course, the hot topic is the so-called emerging Democratic majority, dominated by young people, nonwhites, and upscale social liberals. Pundits across the political spectrum are offering free advice to the Republican party on how to change its ways lest it face extinction at the hands of this “coalition of the ascendant.”

In 2012’s *Lost Majority*, Sean Trende of *Real Clear Politics* ably deflates the logic behind realignment theories, arguing that they are a poor way to understand the ebb and flow of electoral politics. More often than not, the game is to highlight evidence that happens to support our theory while overlooking inconvenient data that cut against it.

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The conventional view of American political history divides it into periods of partisan dominance: The GOP dominated electoral politics from about 1865 to 1932, the Democrats from 1932 to 1968, and the Republicans again from 1968 to about 2006. This, however, is simplistic. In fact, the periods of genuine dominance have been much briefer: Republicans dominated from about 1894 to 1910, then again from 1918 to 1928; Democrats dominated from 1930 to about 1946, then again from 1960 to 1968.

And even during these briefer periods, caveats abound. The Republicans of the early 20th century were divided along ideological lines, as conservatives battled progressives. The drubbing the GOP took in the 1922 midterm was one of the worst blowouts in history, and hardly consistent with a theory of party dominance. As for the New Deal coalition, it began to fracture as early as 1938, giving way to a “conservative coalition” of Republicans and Southern Democrats who held the balance of power for most of the next generation. And during the Republican majority that was supposed to “emerge” after

1968, it was the Democrats, not the GOP, holding the House of Representatives for the next quarter-century.

And sure enough, the Republican party of 2013 holds more House seats, governorships, and state legislatures combined than it has controlled in a very long time. That is hardly a recipe for irrelevance.

The biggest problem with realignment theories is that they often fail to extend their analysis much beyond demographic characteristics, and so implicitly assume that people vote, robot-like, according to the color of their skin, age, geography, or religion. They thus fail to anticipate change. A demographic-based theory of electoral alignment formulated in 1961 (after John F. Kennedy won more than 70 percent of the Catholic vote) would have had no capacity to anticipate the sea-change among Catholics that began as early as 1968 and continues to this day.

When we look beyond demographic characteristics, we discover that majority coalitions inevitably depend on how well the party they empower governs. If that party does a good job, it will hold the coalition together, at least for a while. If it governs poorly, the other party is in prime position to poach a critical mass of voters. And since the 1830s, no issue has mattered more to the question of “Who governs?” than the performance of the economy.

Each of the past periods of party dominance, such as it was, began because the other party had failed to govern, and ended when the new majority party could govern effectively no more. The economy was central in each instance. The Panic of 1893 ushered in the GOP, and the Panic of 1907—combined with rampant corruption and inability to enact sensible tariff laws—ushered it out starting in 1910. The social and economic tumult after World War I brought the Republicans back to power, and the Great Depression swept them out once again. The Great Depression ushered the Democrats into a majority, and the postwar labor strikes ended their grip on power.

The central question for any majority party is can it govern well, especially on the economy? From this perspective, it is clear that neither party has the edge moving forward. Over the last 12 years, economic growth has been stagnant, and neither party has proven itself capable of turning things around.

For the 55 years following World War II, the American economy grew like gangbusters. Real GDP growth averaged 3.6 percent per year, and it was this fantastic expansion that created the modern middle class. However, since the recession of 2001, the



Enjoy it while it lasts.

economy has been in stall speed, more or less. Growth has averaged just 1.6 percent since then, and real incomes have stagnated as paychecks have not kept pace with the rising cost of health care, education, and energy.

This state of affairs shows no signs of change. Indeed, the most recent GDP number is inconsistent with where the economy *should* be at this point in the business cycle. We should be hitting 3 percent growth or higher, not saddled with a modest contraction. And let us not forget the second-order effects that such weak growth has on our politics. Without growth, there is no way for the United States to meet its social welfare obligations, which has in turn sparked the extremely divisive and unpredictable battle over the budget deficit.

If the Democratic party cannot

bring about improvement in the economic numbers, it will not retain control of political power. It is as simple as that. No enduring majority coalition has been able to hang on to power for very long amid such widespread disappointment over the economy. And the warning signs are already there for the Democrats, if they care to look: The historically small numbers of Democrats in the House of Representatives, governorships, and state legislatures, plus the fact President Obama won fewer votes in 2012 than he did in 2008, are all signals that public patience with the party has its limits.

What's more, the Democratic coalition is bound to have trouble doing what is necessary to grow the economy. The party of the 1930s, '40s, and '50s was a party of farmers and industrial laborers who depended on private-sector economic growth, so the Democrats of that era focused their efforts accordingly. But today's Democratic party has many powerful constituents within it who are isolated from the ebbs and flows of the private economy. Upscale social liberals in the Northeast and Pacific Coast are so well off that they are basically recession-proof. And, what's more, the position of the farmer-industrial working class has been usurped by unionized government workers and far-left gray-collar labor unions like the SEIU, which are more interested in expanding government than the economy.

All of this raises the key question: Can the Democrats keep these groups happy *and* grow the economy? The evidence to date suggests the answer is no. Witness the Democratic opposition to opening up domestic energy production, which would have been a no-brainer 50 years ago. Witness the party's stimulus bill of 2009, which focused more on political patronage than economic growth. Witness the party's continued efforts to push for a cap and trade system, which would kneecap economic growth. And above all, witness Obamacare, a vast regulatory system that saddles businesses with even more burdens. The Democrats have proposed all of these things since 2009, when they were voted

into office to jump-start the economy.

Looking back over the last decade, it is hard to conclude that American politics looks as it did in the first decade of the 1900s or the 1930s, when one party had a decisive advantage. Instead, it looks much more like the period from 1876 to 1894, or 1966 to 1982. These were times of great social and economic tumult. The public responded back then much as it has recently, changing the partisan

composition of government time and again in the hope of finding some combination of leaders who can manage the affairs of state.

As long as so many in the country are so deeply dissatisfied with the state of the union, neither party's position is secure. And it is an open question whether the Democrats of 2013 even have the capacity to address our most pressing problem, continued economic weakness. ♦

Egypt Against Itself

A society on the edge of chaos.

BY LEE SMITH

This week marks the second anniversary of the fall of Egyptian president Hosni Mubarak. Two years after the refrain “the people want to topple the regime” filled Tahrir Square, it is now Egypt itself that is toppling. Street violence has pitted various groups against each other—anarchists against Islamists, policemen against protesters, men against women—and has left scores dead throughout the country.

The economy is hemorrhaging reserves and incapable of securing foreign investment, while Egypt's currency tumbles to record lows. The international community, captivated two years ago by the revolution, has little confidence that Egypt's new rulers can make peace between the country's feuding factions. If the conventional wisdom among Western policymakers holds that Egypt is too big to be allowed to fail, the stark reality is that by many measures it is already failing.

A \$4.8 billion IMF loan has been put on hold pending President Mohamed Morsi's stabilizing the

political situation. The catch is that the loan requires a host of reforms, like slashing subsidies for fuel and household staples, that will cause yet more suffering across a wide swath



This governing thing—it's harder than we thought, sir.

of Egyptian society, most likely bringing further instability. Much of Egypt's technocratic class is in exile or in jail, charged, often spuriously, with corruption under the old regime. Any of the liberal reform measures that might actually help set Egypt back on its feet are associated with precisely those figures that the revolution sought to punish.

Iranian president Mahmoud Ahmadinejad promised to extend Egypt a line of credit last week during his visit to Cairo, the first by an Iranian leader since the 1979 Islamic revolution. However, Iran's currency has taken an even steeper plunge than Egypt's. Under heavy U.S. and EU sanctions, Tehran needs cheap agricultural imports to keep food prices down and unrest at bay, but Egypt doesn't even feed itself.

During his tour of Cairo, Ahmadinejad was accosted by a Sunni Islamist who rapped him on the head with his shoe in a piece of Middle Eastern political theater that illuminates the key differences between Egypt and Iran. To be sure, the ruling regimes of the two countries share an abiding hatred of Israel, but the more important issue for both right now is the civil war in Syria, where Tehran needs to prop up Bashar al-Assad and Cairo is sickened by his regime, which has targeted tens of thousands of fellow Sunnis for death. Moreover, Iran has put Morsi in an awkward position by continuing to send arms to Hamas through the Sinai. As much as Morsi may want to join Hamas's war against Israel, he can't lest he forfeit American and European backing. There is no alternative superpower for Cairo to turn to. Inasmuch as Morsi is tied to Washington's apronstrings, Iran's active support of Hamas only highlights his impotence.

The good news regarding Egypt is brief, but noteworthy: Those forecasts auguring from the entrails of Mubarak's demise the birth of a universal Muslim Brotherhood-run caliphate stretching from North Africa to the Persian Gulf were

off by a very wide mark. The Islamist organization, which has been building its political base and waiting in the shadows to take power since its 1928 founding, turns out to be incapable even of governing Egypt.

Contrary to the reading of many Western academics, the Brotherhood did not win the presidency because of its long history of grassroots work,

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its social activism, or its political acumen and organization. Rather it came to rule Egypt simply because everyone else—from the secularists and liberals who kicked off the revolution to the military—was that much more incompetent. The fearful notion, still held by many in the West, that the Brotherhood plots to own the hearts and minds of the world's billion-plus Muslims comports not with reality but only with the Brotherhood's preening and now patently absurd self-image. Under Morsi's stewardship, the Muslim Brotherhood model has been shown to produce poverty, hunger, instability, and violent internal conflict. Who among the *umma* would seek to unify under such a banner?

Understandably, some U.S. policymakers want to wash their hands of Egypt. The White House, after Obama leased a place on the right side of history by demanding that Mubarak step down, has yet to tailor a policy suited to the changed circumstances. Egypt is no longer a pillar of regional stability but must itself be stabilized. Sen. Rand Paul wants to ban sales of advanced weapons—tanks, F-16s, etc.—to a country whose rulers allowed a mob to overrun the U.S. embassy and threaten our diplomats in September. Sen. James Inhofe just wants to suspend sales of those arms, but is perhaps the frankest in his appraisal of Egypt's president. "Morsi's an enemy," Inhofe said during secretary of defense nominee Chuck Hagel's confirmation hearings. Inhofe, the ranking member of the Senate Armed Services Committee, has a point.

Since the signing of the Camp David accords in 1978, Egypt has been one of the cornerstones of the U.S. position in the Middle East. By lavishing arms, money, and political and diplomatic prestige on the largest and most influential of Arab states, Washington showed what prizes were in store for any Arab power that chose to make peace with Israel. Conversely, massive American airlifts to Israel during the 1973 war had shown what any Arab regime could expect if it chose to make war on the Jewish state.

Morsi threatens to undo this arrangement. Anti-Semitic remarks of his that have recently come to light, calling Jews the "sons of apes and pigs," lend weight to the concern that the Egyptian government is looking for a way out of the peace treaty. In the aftermath of Israel's operations in Gaza in November that degraded Hamas's arsenal and decimated its leadership, the White House billed Morsi as a peacemaker, but that increasingly looks like wishful thinking. If Morsi doesn't do more to shut down the smuggling tunnels from Egypt, Israel will soon be back in Gaza.

Moreover, it's not clear that the second half of Inhofe's assessment—Egypt's "military is our friend"—is accurate, or that it matters. Last week, General Abdul Fattah al-Sisi, Egypt's defense minister, spoke with outgoing secretary of defense Leon Panetta and affirmed Egypt's commitment to the 1978 treaty. However, whether Egypt will adhere to the accord is subject to the same winds of fortune that have buffeted virtually every political decision Cairo has taken in the last two years. Sisi recently noted that "the struggle between political forces . . . may lead to the collapse of the state," a statement some have read as a warning to Morsi: If the government cannot ensure stability the military will take over. But the last two years have shown that the military does not want to run Egypt and may be incapable of it. Even worse, a coup might leave the army split, like the rest of Egyptian society, and fighting itself.

Indeed, pitting the army and Morsi against each other would widen yet another fissure in a country that has long been at war with itself. Muslims against Christians. The regime and its security services against its own people. Urban against rural. Secularists against Islamists. Muslim Brotherhood against Salafists. It is hardly any wonder that the country's first elected president evinced the same anti-Semitic sentiments that poison almost all of Egyptian society. Egyptians don't like Jews, and they don't much like each other either. Anti-Semitism has therefore functioned something like an

escape valve, and blaming Israel, and/or the United States, for everything wrong with Egypt was the most practical way to keep Egyptians from each other's throats.

The immediate cause of the recent violence is a court decision in January against the supporters of a soccer club. Last year, the fans of the Port Said team ambushed the fans of a Cairo team, Al Ahly, at a game in Port Said, killing 74. The Ahly supporters claimed that security forces were in on the plot, seeking revenge against them for their role in the revolution and their violent clashes with the police. (The Ahly supporters also played a large part in storming the Israeli embassy in 2011.) When the court handed out 21 death sentences to the 73 accused, including police officers, riots ensued, leaving 39 dead. The violence spread to nearby cities, like Suez, where 9 were killed, as well as Ismailia, which saw another fatality.

In Cairo, protesters fought with security forces and armed gangs, who also stormed hotels firing automatic weapons at tourists. The head of Al Azhar, the mosque-university that for hundreds of years has served as a seat of authority in Sunni Islam, convened a meeting between Morsi's representatives and the opposition. It's a useful first step but probably won't change the fundamental antagonisms. The opposition believes that Morsi has too much power, and the Brotherhood believes that the opposition just wants to seize on the streets the power it couldn't earn at the polls.

Morsi is not the problem, then, he is merely the president of the problem, which is Egyptian society itself. After two years of upheaval, the question is, how long can this go on? Will Egypt explode at a certain point? If so, what will touch it off and what will be the repercussions?

Already, a friend from Cairo laments, Egyptians are growing accustomed to daily violence. The problem is not just the people who are committing the violence, he says, but that everyone else is gradually acclimating himself to chaos and failure on a massive scale. ♦

We, the Grand Jury

An education in American citizenship

BY CLAUDIA ANDERSON

The Fifth Amendment to the Constitution gave its name to the protection against self-incrimination, and it also contains three other famous (and these days somewhat battered) guarantees—against double jeopardy; against deprivation of life, liberty, or property without due process of law; and of just compensation when private property is taken for public use. But before any of these, in pride of place in the very first words of the amendment, comes perhaps the least thought-of protection in the whole Bill of Rights: the assurance that no one will be “held to answer” for a serious crime unless indicted by a grand jury.

I recently finished serving on a homicide and major-crimes grand jury in Washington, D.C. It met every day for five weeks. Since grand jury proceedings are secret, I am not free to report with any specificity on the most memorable parts of the experience—the dynamics among the jurors, the crimes themselves, the riveting scenes conjured up by the words and demeanor of the witnesses. But I can perhaps explain, without violating my juror’s oath, why as a citizen I found this a valuable experience.

To set the stage, some simple information. The first thing to grasp is that a grand jury is not a trial jury: Forget *Twelve Angry Men* and *To Kill a Mockingbird*. It does not hear one case, both prosecution and defense, in public, with the defendant present and a judge presiding, then retire to deliberate until a unanimous verdict is reached that the defendant is guilty or not “beyond a reasonable doubt.” It’s not even made up of 12 people, painstakingly selected from a larger pool through the process called “voir dire.”

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The grand jury’s job is not to try but to indict: to hear the government’s evidence that a crime was committed by a particular person, then to affirm, or refuse to affirm, that the government has shown “probable cause” to believe that the suspect did the deed. Only if the state clears this hurdle can it go forward and bring the suspect to trial. On our grand jury, after no voir dire at all, 23 people were sworn in, 16 had to be present for business to proceed, and 12 votes were required to indict.

The judge who swore us in on our first day was the only judge we saw in the whole five weeks. Far from hearing a

single case, we heard part or all of nearly 50 cases, of which we must have voted on about half. The cases we didn’t finish, subsequent grand juries are inheriting, just as we took over many cases already underway. For those, we acquainted ourselves with the evidence by reading aloud the transcripts of testimony heard by earlier grand juries. The prosecuting attorney in charge of the case would



Quite the contrary

take the role of the prosecutor, and one of us would volunteer to play the witness. This made for some variety in our days, which we spent reading transcripts, hearing live witnesses, taking in other kinds of evidence—security-camera footage, recorded 911 calls, autopsy photographs, and so on—deliberating, voting, or killing time (without aid of cell phones or personal electronic devices of any kind). Throughout the proceedings we took copious notes, which never left the grand jury room and I understand will eventually be destroyed.

Is there a more efficient way of bringing indictments? Many states have dropped grand juries in favor of “preliminary hearings,” in which a judge considers the evidence and makes the determination as to probable cause. Since the Supreme Court has interpreted the grand jury guarantee of the Fifth Amendment as applying only to the federal government, the states are free to go their

LAYNE KENNEDY / CORBIS

own way. (People serving in the military “in time of war or public danger” also forgo the right to indictment by a grand jury, as the Fifth Amendment explicitly states.) The District of Columbia, of course, is anomalous in many of its governmental arrangements, and one of its oddities is that assistant U.S. attorneys from the Department of Justice handle local crime. So the federal prosecutors interrogating witnesses and presenting other evidence for our benefit were polished lawyers, more than half of them women, many of them thirtysomethings apparently on track for high-powered careers.



A Boston grand jury inspects the collapsed Pickwick Club, 1925.

Still, the process is obviously cumbersome—time consuming and expensive. Jurors receive \$4 a day for transportation and an additional \$30 a day if they’re not being paid by an employer. It’s modest compensation for the disruption of routines, and an expense to the public, especially as multiple grand juries run concurrently, each with its own windowless room equipped with recording and video capabilities. A scheduling office acts as a kind of traffic cop, making sure the appropriate grand jury is available to hear a given witness when the witness appears and a court reporter is on hand to record the proceedings. The “sergeant at arms” whom we elected our first morning (along with our foreman, deputy foreman, and secretary) kept in close touch with this office and let us know throughout the day when the next witness was slated and when we could take breaks.

But man does not live by bread alone, and values above efficiency are served in the jury room. One, as may already be apparent, is civic education. Almost nothing explained here did I know before I took my oath (even though I actually testified before a grand jury once, years

ago in another city, after being robbed at knifepoint). And jurors learn not only the mechanics of this part of the judicial process, but a little of its history. When was the last time you heard anyone point out the medieval origins of any facet of American government? Our orientation video traced the grand jury to 12th-century England, before Magna Carta (hence that verbal fossil, “sergeant at arms”). What’s more, the grand jury has died out in all the English-speaking countries except ours. Today, all or nearly all the grand jury proceedings in the world take place in the United States—as do “90 percent of the criminal jury trials and almost all [the] civil jury trials,” according to Andrew Guthrie Ferguson’s splendid *Why Jury Duty Matters* (2013). It turns out jury service has become an almost uniquely American experience.

Most important, participants learn the spirit of a criminal justice system tethered to the judgment and conscience of ordinary citizens. Alexis de Tocqueville observed this in America in the early 1830s. Jury service was already more widespread here than anywhere in Europe, and he wrote that it “teaches men the practice of equity. Each, in judging his neighbor, thinks that he could be judged in his turn.” As lay decision-makers, jurors are to the judicial branch what voters are to the elected legislature and executive: nonexperts whose role makes manifest the principle of popular sovereignty. If voters select representatives and trial jurors judge, grand juries act as a check on prosecutors: a daily discipline, requiring them to produce evidence to justify every indictment, and when necessary a barrier to the abuse of prosecutorial power.

At least that is how it is supposed to work. In practice, grand juries rarely refuse to return an indictment. It does happen; Google “refuse to indict” and you’ll see recent examples from around the country. But it’s still true that most grand juries return most of the indictments sought. Some say this makes the process a mere formality. A friend who served on a D.C. homicide grand jury a few years ago came away dissatisfied. He felt some prosecutors treated the grand jurors as automatons and were dismissive of their questions about the cases, as if privately buying the cynical line (attributed to New York State chief judge Sol Wachtler in *The Bonfire of the Vanities*) that a grand jury would indict a ham sandwich. My experience was different. When we voted to indict, I felt it was because the prosecutors had done their job and shown us reasons to believe they had probably found the miscreant. Maybe I’m a sap, but I was struck by the atmosphere of seriousness and respect that generally pervaded our jury room.

PHOTOS: BETTMAN / CORBIS

In the course of our service, we must have heard from easily 50 live witnesses. Each was sworn in by our foreman (sign of the times: the oath she was given to administer ended “nothing but the truth,” dropping the familiar “so help me God”). Each was asked to state and spell his name for our benefit. Then each interrogation began with the prosecutor explaining to the witness his rights. These rights are a matter of law and not unique to any particular investigation. The “colloquy of rights,” as the lawyers call it, is an impressive litany to hear over and over. It was never skipped (unless the witness was a police detective) or rushed or abbreviated. Each prosecutor used his or her own words, and no two stated it exactly alike. In my own words, it went, essentially, like this:

Mr. [witness’s name], we have just come from my office where I explained some rights that you have as a witness before this grand jury. Is that correct?

Witness answers.

First, I explained that you have a right to know why you are here. This grand jury is investigating a [robbery/assault/stabbing/shooting/etc.] that occurred on [date] at [address]. Do you understand?

Witness answers.

You also have a right under the Fifth Amendment to the Constitution not to incriminate yourself. That is, you don’t have to answer a question if a truthful answer to that question could get you in trouble with the law. Do you understand?

Witness answers.

I reminded you that you would be under oath and that it is very important you tell the truth in this room. The person sitting there is a court reporter, who is recording and creating a transcript of everything said here. If you were to lie to the grand jury, you could be prosecuted for perjury or obstruction of justice, and those are serious crimes that carry jail time. Do you understand?

Witness answers.

Do you have any questions about that?

Witness answers.

You also have a right to an attorney. That attorney could not be in the jury room with you because testimony given here is secret. But your attorney could sit right outside this door, and you could ask to leave the room at any time to speak with him or her. Do you understand?

Witness answers.

And if you could not afford an attorney, we could arrange for the court to provide you one free of charge. Do you understand?

Witness answers.

Mr. [witness’s name], having understood these rights, do you choose to go ahead and testify before the grand jury?

Witness answers.

Only after this exchange would the prosecutor interrogate the witness about the crime under investigation. Then the jurors were invited to ask our own questions directly of the witness. Each interview ended with another fixed colloquy:

Is there anything I haven’t asked you about that you think the grand jury should know?

Witness answers.

Is there anything you would like to add?

Witness answers.

Apart from the subpoena you received to come here today, has anyone pressured you or forced you to testify?

Witness answers.

Has anyone told you what to say here, other than the truth?

Witness answers.

Has anyone offered you anything in exchange for your testimony?

Witness answers.

As you sit here today, are you under the influence of any medication or any drugs or alcohol that would affect your ability to testify truthfully?



The grand jury for the ‘Scopes’ trial, 1925

Witness answers.

Mr. [witness’s name], how have you been treated by the police in this case?

Witness answers.

How has my office treated you?

Witness answers.

Thank you for your testimony. You are free to go.

It seemed to me that the very structure of these interviews fostered courtesy, a posture of respect, on the part of the person conducting the interrogation. Prosecutors need the cooperation of both witnesses and jurors. They also must do their work in a manner safe from legal challenge. So they are forced to cultivate patience: patience with procedure; patience with witnesses, many of whom are afraid or upset or inarticulate or barely audible; and patience with lay jurors operating on the basis of common sense and whatever bundle of attitudes and information they happen to bring with them into the jury room.

And there is another tangible expression of respect. D.C. Superior Court grand juries meet in a downtown building known on the street as the “snitch house.” It is not a rarity for witnesses who have reason to fear for their lives to be relocated with assistance from the U.S. Attorney’s Office.

I knew such things happened in big FBI investigations of organized crime. I had no idea they were a not uncommon occurrence in local proceedings.

In addition to presenting witnesses, each prosecutor acts as legal adviser to the grand jury on the cases she is handling, but must do so without improperly influencing the jury. That is, she may review the law or explain the difference between, say, a charge of Assault with a Dangerous Weapon and a charge of Possession of a Firearm During a Crime of Violence—but may not speculate as to motives or credibility. In my experience, care was taken to observe this distinction, to refer jurors to witnesses' testimony and remind us that it was not the prosecutor's role to interpret events or participate in our deliberations.

While the lawyerly parts of this interaction are highly choreographed, others are unpredictable and free. The witness says whatever the witness says. And jurors deliberate and vote behind closed doors, alone with each other.



To whom did he lie under oath? A grand jury.

The education citizens gain by participating in the grand jury process—and it is estimated that one-third of Americans will serve on some sort of jury in their lifetime—isn't only about their criminal justice system. It's also about their community. "In forcing men to occupy themselves with something other than their own affairs," Tocqueville wrote, "[jury service] combats individual selfishness, which is like the blight of societies." This is of urgent relevance today, when our social fabric is said to be *Coming Apart*, in the title of the must-read work by political scientist Charles Murray. Grand jury service brings neighbors together in a public endeavor that crosses all social divides.

Imagine spending all day every day, five days a week for five weeks, with 22 strangers. All you have in common is that you are U.S. citizens, live in the District of Columbia, and are not felons (or, if felons, completed your sentence including probation or parole at least 10 years back). As your work gets underway, you also come to share the series of horrible dramas unfolding in your grand jury room (which, frustratingly, you may not discuss elsewhere). These have the effect of stirring among you at the same time the sentiment "There but for the grace of God go I" and the sentiment, pithily expressed by a fellow grand juror (before ever entering

our jury room, so I feel free to quote her), "I hate crime."

You meet on a footing of equality. None of you has superior knowledge of any case. At least at first, you know nothing about each other's politics or religion. Each of you has one vote on each count of each requested charge. You must decide whether witnesses are believable and which evidence is compelling. Your work does not carry quite the moral gravity of a petit jury's decision to convict or acquit, yet it is solemn enough.

Because a grand jury like ours considers so many crimes, it exposes jurors to a wide panorama of victims and other witnesses. The detectives tend to be urban

ethnics, with an alert, fact-based, seen-it-all mentality. The lay witnesses come in all ages and stations in life, though relatively few are bystanders involved purely by happenstance. Most are called to testify because they are victims, or relatives or friends or close neighbors of victims or suspects. That is, most come from the suspect's world.

It is no secret that in the District of Columbia, as in most cities, crime is

highest in neighborhoods also blighted with poverty, unemployment, drug use, poor schools, low levels of education, and a scarcity of children born to and reared by their married father and mother. People who can afford to live elsewhere very often do. Grand jury service cuts against this chosen separation. It requires the less crime-affected parts of our city to engage with the more crime-affected parts, to stare in the face the catastrophes that police see every day but from which citizens do our best to shield ourselves and our families.

Beyond mere seeing, jurors, prosecutors, and witnesses come together for a purpose. The subpoenas, the oaths, the explanations of rights, the elaborate rules and courtesies, the inconvenient assembling of jurors—all support our effort to ensure that our punishment of violent acts is grounded not in arbitrary power or passion or rumor, but in law and a search for truth. Grand juries are part of our inherited means of doing this, and our participation brings us, along with our neighbors, more fully into possession of the civilized legacy we share as Americans. It causes us to see afresh that our democratic birthright is not a thing to be taken for granted, but is something to be honored and preserved. ♦

Better Late than Never?

Obama's trip to Jerusalem and the 'peace process'

BY ELLIOTT ABRAMS

President Obama will make his first presidential visit to Israel in March, and Secretary of State Kerry will make his own trip even sooner. The White House is trying to dampen the inevitable speculation about a possible breakthrough to peace negotiations, and its spokesman has said the president's trip is "not focused on specific Middle East peace process proposals." Let's hope so. But given the itinerary—Jerusalem, Ramallah, and Amman—the so-called peace process will be near the top of the agenda at every meeting Kerry and Obama have.

The trip itself is a good thing: Israel is a close ally, and American presidents should visit there. The visit would have had more impact in Obama's first term, before opinions about him began to harden in Israel (and for that matter in Ramallah), but the formation of a new government in Jerusalem provides a good moment for this visit. The question is what Obama will say—about Iran, the violence in Syria, the instability visible after the Arab Spring in several countries—and of course about the Israeli-Palestinian conflict.

In January, even before Israel's election, there were many stories about a new European peace plan. Here's a typical account, this one from the *Times of Israel*:

[T]he goal of the EU plan is to bring about the establishment of an independent Palestinian state based on the 1967 borders, with its capital in East Jerusalem. . . . [T]he EU intends to set a clear timetable for negotiations between the

two sides in 2013. . . . Sources said that the plan will include land swaps between Israel and the Palestinian Authority as well as a complete freeze on all Israeli construction in the settlements. . . . Diplomats cited in the report said that it would be difficult for Obama to oppose the plan, which was said to closely mirror his own stated views on the Israeli-Palestinian peace process.

More recent information suggests that the Europeans are too smart to present their own plan directly to the Israelis, who would reject it. They seek instead to get Obama to buy it and then impose it on Israel. Like most European plans, this one suffers from demanding everything

from Israel up front—especially a total construction freeze in all settlements and, you may be sure, in Jerusalem—while asking nothing from Palestine. But the obsession with such a settlement freeze does in fact "closely mirror" the view taken by the Obama administration throughout the first term.

No doubt a "peace plan" like this, especially if it had American support, would be an immediate test of Israel's new government. It would especially be a test of Yair Lapid and his new centrist party, which won 19 seats in the Knesset. During the campaign Lapid called for peace negotiations but also took a hard line on Jerusalem: "We must not blink. There should be no compromises in Jerusalem." A European, or even U.S.-European, strategy based on cornering or even breaking up the Israeli government over the terms of a new peace proposal might actually end up solidifying the new coalition if its demands go well beyond Israel's centrist consensus and include a construction freeze in Jerusalem. And our new secretary of state, John Kerry, should know better. "I was opposed to the prolonged effort on the settlements in a public way because I never thought it would work, and, in fact, we have wasted a year and a half on something that for a number of reasons was not achievable," Kerry said in



Neighbors-to-be? Hamas rally, left, and Fatah, right.

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PHOTOS: NEWS.COM

2011. Kerry has favored getting an agreement on borders and security first, saying that once borders are established the settlement issue goes away.

But this too is unrealistic. The definition of borders in the northern and southern West Bank is not too hard, and Israel's security fence is often on or near the "Green Line"—the 1949 armistice line that separated Israel from the West Bank. It is the area around Jerusalem that causes the greatest controversy, so fully defining borders without addressing Jerusalem is impossible. And when the Europeans call for a construction freeze *in* Jerusalem—or to be more precise, call for a construction freeze by Jews while Arabs are free to build wherever they can—they are in effect taking a strong position for the division of Jerusalem along those 1949 lines (which are often called "1967 borders").

What about getting an agreement on security? Here things get even more complicated. Palestinian reconciliation efforts—between the Fatah movement (which controls the Palestinian Authority, the PLO, and the West Bank) and Hamas (which controls Gaza)—are on again. How can serious peace negotiations begin while Palestinians are simultaneously working on bringing a terrorist group into the mix?

The Palestinian negotiations, fostered by Egypt's new Muslim Brotherhood government, are very unlikely to succeed. The cause of national unity is popular with the "masses" so no Palestinian politicians ever say they are against it, but they never seem to achieve it either. Back in February 2007, the king of Saudi Arabia engineered the "Mecca Agreement" between Fatah and Hamas "to prevent the shedding of Palestinian blood" and "form a Palestinian national unity government." The unity lasted until Hamas seized Gaza in June of that year, throwing Fatah militants off rooftops in the process. Fatah and Hamas tried again in the 2011 "Cairo Accords," which were to create an interim national unity government leading to elections in 2012. This never happened. The Fatah and Hamas activists hate each other and have been killing each other for decades; signing a piece of paper does not change that. So even if they do announce some sort of agreement, the great likelihood is that it will be a fraud that deepens the skepticism and mistrust with which Palestinians view the statements of their political "leaders."

But great harm can be done even by a limited agreement—one that claims to put "technocrats" in office for a few months to prepare for elections. To begin with, any deal with Hamas means Palestinian Authority (PA) prime minister Salam Fayyad is out: Hamas hates him. The current idea is that President Abbas would serve also as prime minister in any temporary government. Fayyad's departure would mean that the figure most associated with clean and efficient government, and with pragmatic work to prepare for Palestinian statehood, is gone.

What's more, preparing for elections in which Hamas would participate simply repeats the unhappy experience of 2006. Over Israeli objections, the "Quartet" (the United States, EU, U.N., and Russia) agreed that Hamas could participate in the 2006 parliamentary elections without laying down its arms. When Hamas won, the United States and the Quartet did not say it could never have any political role. Instead we developed the three "Quartet principles": Before Hamas could participate in the Palestinian government it would have to accept Israel's right to exist, renounce terror, and accept all previous agreements signed by the PLO with Israel. It has done none of these things, so any role for it in the governing of the West Bank would be disastrous.

The security issue shows why: Today, Israeli and Palestinian security forces cooperate quietly to prevent terrorism. Maintaining that cooperation with Hamas inside the PA government seems impossible. In fact, Hamas and Fatah maintain entirely separate armed organizations and those of Hamas engage in acts of terror (even if they occasionally prevent other acts of terror by smaller Palestinian terrorist groups when Hamas finds them inconvenient). If the Fatah and Hamas armed groups remain separate, unity is a farce; if they merge, peace talks are a farce.

If the Hamas-Fatah talks by some miracle did succeed and lead to a true unity government, their great achievement would be the inclusion of a terrorist faction of the Muslim Brotherhood in the governing of the West Bank. Hamas has never renounced terrorism against Israelis, and still practices it—for example in the indiscriminate shelling of Israeli towns. The Hamas Charter still includes a reference to the "treacherous Camp David Accords," contains primitive anti-Semitic language about the "Nazism of the Jews," makes repeated attacks on the Rotary and Lions Clubs as Zionist fronts (I am not making this up), and condemns all "so-called peaceful solutions" as an abandonment of Islam. Palestinian unity is sometimes promoted on the ground that it will make real peace negotiations more likely. That's impossible when "unity" brings in a group that is absolutely opposed to all previous peace efforts and views compromise as heresy.

But playing out this farce could bring great advantages for Hamas. Already it is treated in many Arab capitals as a group equal in legitimacy to Fatah and the PA, and participation in any unity government—even a brief or largely fake one—will bring more such recognition. And Hamas has bigger game in its sights: control of the PLO, which is still viewed by many governments as "the sole legitimate voice of the Palestinian people." Indeed the Palestinian office in Washington is not that of the PA, but of the PLO. Yasser Arafat feared Hamas and kept it out of the PLO, understanding that membership and then control has long been a Hamas goal. A reconciliation deal that brings Hamas inside

the PLO is a step toward the control of Palestinian politics by a terrorist group. About all of this the Europeans and their “peace plan” appear to be silent.

There are also legal ramifications to a “government of national unity,” at least in the United States. The American reaction to the Hamas election victory in 2006 was dictated more by government lawyers than by policymakers. The Palestinians have a parliamentary system, lawyers at Treasury and State pointed out, so the Hamas majority in the parliament meant the whole PA was now legally under Hamas control. Not only could they not get another dime in U.S. aid, the lawyers said, but giving them money was actually a crime—the crime of aiding a terrorist group. How those laws would affect a new Palestinian coalition government that includes Hamas remains to be seen, and the devil will probably be in the details. Does the parliament meet and act? Are ministers members of Hamas, or fellow-travelers? What exact role does Hamas play?

There is a further legal issue. Several key cases against the PA and PLO brought by victims of terrorism (including the family of Leon Klinghoffer, killed on the *Achille Lauro* in 1985) and seeking monetary awards have over time been settled. These cases often resulted in the freezing of PA and PLO bank accounts and made delivery of U.S. aid, and the use of the U.S. banking system, impossible or very difficult—which is why they were settled by the Palestinian side with the payment of large sums to the victims of Fatah terrorism and their survivors. But there are many additional cases against Hamas, and if it enters the PA and PLO, many lawyers will argue that now those bodies are responsible for paying the damages. And U.S. courts may agree, making Palestinian finances unmanageable once again.

On the Israeli side, a Fatah-Hamas reconciliation can only widen the consensus that, for now at least, peace talks are hopeless. How many Israelis will view giving up land in the West Bank as a sensible step when Hamas, which turned Gaza into a terrorist base, will be part of the group governing territory around Jerusalem and just miles from Tel Aviv? And even failed Hamas-Fatah talks have a deep impact on Israeli perceptions of whether a Palestinian peace partner exists. Watching PA/PLO/Fatah leaders embrace Hamas on TV and pledge themselves to unity suggests to Israelis that their previous pledges—to peace and nonviolence, for example—are simply worthless.

Such is the background as the EU shines up its new peace plan and the Obama administration works on the president’s trip to Israel in March. And of course, the background also consists of chaos in Syria, instability in Jordan and Egypt, and the president’s selection as defense secretary of someone viewed as unsympathetic to Israel and its concerns about the Iranian nuclear weapons program.

Much will be written in the United States and in Europe about whether the president will pressure the Israelis and lecture Netanyahu, demanding concessions. But what will he say to the Palestinians? Will the president during his visit to Ramallah tell the Palestinians to drop any deal with Hamas—or face an American freeze on financial and political support? Will he tell the PA and

PLO leadership that any move against Israel in the International Criminal Court would be disastrous and jeopardize not only their own cooperation with Israel but American aid as well? Will he demand an end to the glorification of terror and terrorists in Palestinian broadcasting, public ceremonies, and school textbooks?

It seems unlikely, for all the “peace plans” have in common a squeeze on Israel while they ask little from the Palestin-

ian Authority and PLO. In another context this was called “the soft bigotry of low expectations.” Even more important is whether the president aims at realistic progress or wants another conference and another glamorous effort at a comprehensive final status negotiation. The lesson of the Obama first term, and indeed of the Clinton and Bush years, remains unlearned in Paris, London, Berlin, and perhaps in Washington as well: Grand efforts at a comprehensive peace fail, when the Palestinians in the end balk.

The difficult, slow, and steady effort to build up Palestinian institutions that are free of corruption and terrorism is undramatic: no handshakes on the White House lawn, no Nobel Prizes. Yet there is good reason for Israel and the Palestinians to negotiate over incremental, practical steps, and there are steps that can be taken to improve the standard of living in the West Bank, reduce the Israeli footprint there, and build toward Palestinian statehood. Any approach that ignores the current Hamas-Fatah negotiations and the sad history of Israel’s withdrawal from Gaza, while it demands that Israel cease all construction in Jerusalem and every single settlement, is bound to fail. Again. Will the Obama visit move away from past failures and try a new and pragmatic approach? Now that would be hope and change. ♦



Wreckage from deadly Hamas-Fatah clashes, January 2008



'Portrait of Fra Luca Pacioli with a student' by Jacopo de' Barbari (1495)

Here's Looking at Euclid

Why geometry matters in the life of the mind. BY DAVID GUASPARI

Many ancient societies knew important mathematical facts, but only one discovered mathematics—which is not a collection of accurate rules of thumb, but a body of knowledge organized deductively, by the radical notion of *proof*. And Euclid is its prophet.

The Elements, composed in about 300 B.C., is a landmark of human thought. It has exerted a profound influence on science and philosophy by serving as both a basic geometry textbook

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The King of Infinite Space

Euclid and His Elements

by David Berlinski
Basic Books, 192 pp., \$24

(widely used for more than 2,000 years) and an archetype of rigorous knowledge. Accordingly, the ultimate subject of *The King of Infinite Space* is the life of the mind. Written with David Berlinski's characteristic mix of hothouse prose and standup comedy, it is aimed at the Intelligent General Reader—though I often found myself wondering what that admirable creature might make of it.

Berlinski begins with Euclid's foundations—definitions, axioms, and common notions (general logical principles)—and devotes much attention to their shortcomings. For example, Euclid appeals to the notion of figures “coinciding,” meaning that one figure can be placed on another so that their sides match up exactly. Are we now in a bind?

If the figures in question are physical objects, we understand what it means to move one and place it on another; but physical objects will never match *exactly*. If, on the other hand, they are nonphysical, perceived only by the mind, then the notions of moving and

placing are metaphorical. So what, exactly, do they mean? Euclid shows, Berlinski says, “a willingness to repose his confidence in things he could neither explain nor justify.”

Is the author condescending to his subject? Is he suggesting that an interest in Euclid is some embarrassing affectation, like an enthusiasm for Renaissance fairs (excuse me, *fair*es)? In fact, the point of this discussion is to show how bold Euclid’s project was and how remarkable was its success. Without benefit of certain refined logical tools and distinctions (that would be unavailable for another 2,200 years), Euclid erected an enduring architectural marvel: an axiomatic system, the first, a rich body of results supported on a tidy footing of “evident” principles by timbers of the strongest possible kind, proofs that compel belief.

We are next led through a sample of these proofs, taken from the first of Euclid’s 12 books—including the proof of its most famous result, the Pythagorean Theorem. To understand the life of a certain kind of mind, we must see that mind in action. Berlinski adds an ahistorical gloss claiming that Euclid didn’t really “get” the Pythagorean Theorem, which ought to be understood as an algebraic statement about the numerical lengths of the sides of a right triangle: $a^2 + b^2 = c^2$. Euclid’s formulation, about the areas of squares drawn on the sides of the triangle, is a clumsy second best.

Berlinski does acknowledge that a notion of *number* applicable not only to the counting numbers (such as 2 and 12), but also to lengths and areas and volumes as well, wasn’t developed until nearly two millennia after Euclid, and that a few additional centuries were then required to make rigorous sense of the maneuver. But that concession feels grudging.

The remarkable fact, which deserves celebration, is that Euclid’s account of the quantitative aspects of geometry was rigorous from the get-go. For Euclid, multitudes (collections of things that can be *numbered*) are distinct from magnitudes (continuously variable entities, such as lines). And magnitudes themselves are of different kinds. We can add a number to a number but not to a

magnitude. We can add like magnitudes (line to line, or area to area) but not unlike magnitudes. We can “multiply” a line by a number—by adding together two or three or four copies of it—but we cannot multiply a length by a length. Multiplicity is reserved for multitudes. This makes perfect sense.

The need for these careful distinctions was reaffirmed by the surprising and unwelcome discovery that the side and the diagonal of a square have no “common measure”: There exists no unit of length of which both are exact multiples. (An algebraist would say that the square root of two is irrational.)

Euclid believed the work to be its own reward, dismissing a request from the pharaoh for a less arduous way to learn mathematics, telling him that ‘there is no Royal Road to geometry.’

This caused metaphysical problems for the Pythagoreans, who seem to have believed that numbers were in some sense the ultimate constituents of the world. It also presented a serious obstacle to the creation of a rigorous account of geometry.

To explain the concept of *similarity*—of having the same shape, if not the same size—we need an account of ratios and proportions. This is easily provided for multitudes—or for magnitudes with a common measure, so that proportions among them can be understood as proportions among multitudes of that measure. The solution to this very difficult problem, presented in Book V, is the most brilliant technical achievement in the *Elements*. And it is attributed not to Euclid but to Eudoxus.

A bit more than half of *The King of Infinite Space* is spent chewing slowly on

Book I. The rest ranges beyond Euclid proper, the pace accelerating through discussions of geometry and algebra, non-Euclidean and Riemannian geometries, Gauss’s intrinsic curvature, Hilbert’s reformulation of Euclidean geometry, groups and fields (ordered Archimedean fields, to be precise), and whips past, at the speed of light, Felix Klein’s “Erlangen Program.”

These are deep subjects. I fear that readers will find much of the account gnomic, partly because so much is compressed into so small a space, and partly because of the author’s strenuous manufacture of lapidary phrases. Many succeed: It is apt to call mathematics a form of “mountain-climbing pastoral,” a quest for worlds of ideal beauty accessible only by grueling and dangerous journeys. Some seem merely to have had tailfins slapped on, as when railroad tracks in a perspective drawing are said to “converge toward a distant, soundlessly spinning point.” Would any insight be lost if that point were “angrily motionless” or “mysteriously aloof”—or left unadorned? And some want to conjure drama where none exists: Noting that a proposition proven in Book I is equivalent to one of Euclid’s axioms, Berlinski says that, in proving it, “Euclid had demonstrated what he had already assumed.” From that point of view, every proposition Euclid proves is merely a restatement of something already assumed, since it follows from an axiom.

Non-Euclidean geometries occupy much of the book’s latter half, and their discovery is a fascinating episode of intellectual history. Euclid’s *parallel postulate* amounts to saying that, given a line and a point, exactly one line can be drawn parallel to that line through the point. (Euclid formulates it differently.) To succeeding generations, this seemed both “evidently” true and more complicated than Euclid’s other axioms. And centuries of futile effort were spent trying to prove it from the others. In the 19th century, Janos Bolyai and Nikolai Lobachevsky independently developed consistent and rich theories of “geometry” in which the parallel postulate is false. They made themselves at home in a new mental world—

one that was, from some points of view, literally unthinkable. Euclid's geometry had been the paradigm of certain knowledge. How could denying one of its basic principles lead to anything other than incoherence? What exactly was geometry true of?

The ensuing story satisfies Berlinski's taste for drama. He quotes a letter to Bolyai from his father, who had himself spent many years trying to prove the parallel postulate and was alarmed by his son's growing interest in the problem:

Do not in any case have anything to do with the parallels. I know every twist and turn in this business and I have myself wandered in its fathomless night, which has extinguished every light and joy in my life. I beg you in the name of God. Leave the parallels in peace.

It has been a long time since any professional mathematician worked in classical Euclidean geometry, searching for theorems that Euclid overlooked. So why study it? Once a theorem is proven, why should anyone pore over the proof and learn how to prove it all over again? According to a famous story, Euclid believed the work to be its own reward, dismissing a request from the pharaoh for a less arduous way to learn mathematics, telling him that "there is no Royal Road to geometry." What Euclid offers, Berlinski says, is "a method of proof and so a way of life."

Could it become obsolete? Berlinski cites a major achievement of modern mathematics, officially called the "classification of finite simple groups." It is a consequence of results published over decades by more than a hundred mathematicians and totaling more than 10,000 densely packed journal pages. It seems hard to believe that those pages are entirely free from error. (Errors have been found, but have turned out to be correctible.) The authors are retiring and dying off. A generation from now, will there be anyone who understands the proof? Is this the wave of the future?

No matter: "The Euclidean academy... confers a form of immortality on its academicians. It is the immortality in having participated in one of the arts of civilization." ♦

BCA

A Faithful Poet

*From the darkness of her existence,
Elizabeth Jennings comes to light.* BY EDWARD SHORT

When John Betjeman was charged with helping find a proper recipient for the Queen's Gold Medal for Poetry in 1977, he contacted Philip Larkin and suggested Elizabeth Jennings (1926-2001), who had befriended Larkin and Kingsley Amis when they were undergraduates together at Oxford. Larkin considered Jennings "serious and worthy," and praised what he considered the "individual note" of her poetry, but thought she was writing "too much" and "too loosely" in her later work and, worse, "bothering too much about Art and Religion." Indeed, given her propensity, as he thought, "to churn out acres of meaningless pieties," Jennings reminded him of an inferior Christina Rossetti.

These criticisms were not altogether just. Jennings did publish copiously, and not all of her writing was of a high standard, but she was more consistently readable than most contemporary poets—never forgetting, as Coleridge once put it, "How difficult and delicate a task even the mere mechanism of verse is." If Jennings was not always inspired, she was never meretricious. She had no illusions about the demands of her profession: *What poets have to say*, she writes in one poem, *was difficult from the start*.

And of course, knowing nothing of religion himself, Larkin was hardly a reliable judge of Jennings's poems about art and religion. Jennings returned to this insistent theme again and again because it was at the heart of her own heart. And in her tribute to the great devotional poet George

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The Collected Poems

by Elizabeth Jennings
edited by Emma Mason
Carcaret, 1,100 pp., \$39.95



Elizabeth Jennings

Herbert, she laid claim to a tradition that has produced some of the finest poetry in English, including the work not only of Herbert but of Robert Southwell, Richard Crashaw, Henry Vaughan, Thomas Traherne, John Dryden, Gerard Manley Hopkins, T.S. Eliot, W.H. Auden, and Anne Ridler:

*Your emphasis
Is on the drama lived in each man's soul,
His battle with his flawed
Aspirations and you make him whole
Telling of his Lord
Who battled too though God in every pore
And pity. No one wrote like this before.*

ELIZABETHJENNINGS.ORG

This tradition also reinforced Jennings's respect for form. When heckled by a young man who claimed that *poetry never should be cast / In form but come without control and fast*, her response was typically sensible: *Why did I not think to say / Nature has limitations? Trees can't move / Away from roots. They only grow that way.*

In another poem, Jennings emulated Herbert's adroit use of monosyllables to exemplify the simplicity vital to a certain kind of good religious verse: *God, give me liberty / But not so much that I / See you on Calvary, / Nailed to the wood by me.*

She summons the same dispatch to identify the purpose of time: *Time is not clocks but moves within / The discourse of the learned heart / It is the way our lives begin.*

Born in Boston, Lincolnshire, the daughter of a medical examiner, Jennings was educated at a Roman Catholic private school and at Oxford High School before going on to St. Anne's College, Oxford, where she studied English. It was hearing G.K. Chesterton's poem "Lepanto" read aloud that first fired her love of poetry. After working briefly at Chatto & Windus, she took a post as librarian at the Oxford City Library.

When Robert Conquest included her work in an anthology of young British poets (which also included Larkin, Amis, Donald Davie, and Thom Gunn), the group was hastily dubbed "The Movement," though its members had little in common. One wit remarked how Jennings, the only Catholic and the only female, fit into the group "like a schoolmistress" thrown together "with a bunch of drunken marines." What set her apart from the other poets of her time can be summed up in a few lines from her last collection: *You said we only share what intellect / Provides us with. I can't agree with you / Surely we share our love.*

From 1960 onwards, Jennings made her living by her pen. Although unmarried, she was fond of children and approached her subjects, as Thomas Traherne approached his, with a child's directness. *Your 'Centuries' are noble, rich, serene*, she writes in

homage to Traherne, *Leaping with love and dancing with delight / And it is clear exactly what you mean.* Here she gives voice to what she nicely calls "the pure issue of my ready heart," which animates all of her work.

In 1993, she was awarded a CBE—although the tabloids mocked her for turning up for the honor in characteristically shabby dress. Rules, the London restaurant, and the Randolph Hotel in Oxford considered her an "undesirable customer" and later closed their doors to her. Like many poets of her generation, she could be a reckless drinker.

In the mid-1960s, Jennings began to suffer bouts of mental illness. In one of her unpublished poems, she writes of a stint in the hat factory: *'Rest, rest,' they cry / You might as well say 'rest' to a grasshopper.* Her poems dealing with sickness and hospitals are some of her best. Unlike Sylvia Plath, she never mined illness for sensational effect; instead, illness called forth a kind of tender detachment from her, an attentive objectivity. In hospital, for example, she first encounters the grim specter of euthanasia, about which she writes with gallows aplomb:

*Will the executioner
Be watching how I go?
Others about me clearly feel the same
The deafest one pretends that she can hear
The blindest hides her white stick while
the lame
Attempts to stride. Life has become so dear.*

In our current critical ethos, which prefers fashionable opacity to anything concrete, Jennings's lucidity is tonic. Few poets of any era have taken up the theme of Good Friday with her unsettling immediacy:

*We nailed the hands long ago,
Wove the thorns, took up the scourge
and shouted
For excitement's sake, we stood at the
dusty edge
Of the pebbled path and watched the
extreme of pain.
But one or two prayed, one or two
Were silent, shocked, stood back
And remembered remnants of words,*

*a new vision.
The cross is up with its crying victim,
the clouds
Cover the sun, we learn a new way to lose
What we did not know we had
Until this bleak and sacrificial day,
Until we turned from our bad
Past and knelt and cried out our dismay,
The dice still clicking, the voices
dying away.*

The family is another major theme of hers. Here, she asks questions that some of us spend our lives failing to answer:

*Have we then learnt at last how to untie
The blood of birth, umbilical long cord,
So that we live quite unconnected by
The blood we share? What monstrous
kind of sword
Can sever veins and still we do not die?*

Elsewhere she writes:

*Later, we hide the weapons and pretend
There was no war, and yet we cannot meet
In any honest way. Our voices send
Out messages that really mean defeat
Beginnings vanish; we can see no end.*

Jennings's ability to speak of the sorrows of family with both authority and accessibility is doubtless one reason why she managed to sell well. Her last collection sold astoundingly well—85,000 copies—and Emma Mason, in her afterword to this newest edition, persuasively cites other reasons for Jennings's popularity: "Now firm, now hesitant, Jennings's poetry addresses those matters—love, friendship, compassion, nature, time, memory, faith—deliberately neglected by her peers, and with a tenderness that avoids sentimentality by finding its bearings in discernment and kindness."

In compiling his anthology of 20th-century verse for Oxford University Press, Larkin included five poems from Jennings—more than he allotted many other poets of whose work he approved. Clearly, his reservations about her work were not as decided as he had perhaps imagined. When Oxford publishes its next volume of contemporary poetry, the work of Elizabeth Jennings should figure even more prominently. ♦

Universal Empire

All roads, historically speaking, lead to Rome.

BY JOSEPH BOTTUM

Athens and Jerusalem are not the sum of symbolic ancient cities. And in truth, they never have been. Even when Tertullian coined that distinction early in the third century—"What has Athens to do with Jerusalem? Or the Academy with the Church?"—he did so in the context of Rome: He was the son of a centurion, preaching and scribbling away in long-before-conquered Carthage. The Roman Empire was the ground on which he walked, so vast and omnipresent he could barely notice its existence.

The map remains the same, even for us today. We may still derive an intellectual and spiritual geography from such ideas as Athens and Jerusalem, from the contrasts of philosophy and religion, reason and faith. But we are able to do so only because they are nodes in the empire of Ancient Rome. The rivalry of those cities—like single, towering mountains, glowering at each other across the plain—is visible because the plain is real: the long *Pax Romana* that stretches between them. Somehow, in the political construction of reality, Rome endures as our eternal baseline, the universal empire that promised, for the majority of its citizens, the end of war.

Edward Gibbon stands as our most famous literary monument to the defining reality that was Rome. Writing in the midst of rising British power at the end of the 18th century, he sat down to explain how the world's greatest empire came to an end. But the question his *Decline and Fall of the Roman Empire* actually raises is why did it last so long?

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Rome

An Empire's Story
by Greg Woolf
Oxford, 384 pp., \$29.95



The Emperor Claudius

The fall of Rome, as we might put it, was overdetermined: In every empire, the natural entropy of politics drags the state down to imperial collapse.

When Genghis Khan took control in 1206, the Mongols began assembling the largest empire in the history of the world before Great Britain's, but it was essentially gone by 1294. At the time of his death in 453, Attila the Hun had put together conquests that reached from Germany to the edge of China; by 469, most traces of his rule had disappeared. Even in the ancient world, empires tended not to have

lives as long as one might think. The Romans, with their perpetual feeling of cultural inferiority to the Greeks, often looked to Alexander the Great as an ideal. But even Alexander hardly seems a model for Rome's experience. At the time of his early death in 323 B.C., the Macedonian prince had an empire that stretched from Greece down to Egypt and across to India. And yet it barely outlasted him, dissolving within two years to decades of war among the successor states of his bitterly divided generals.

"All histories of Rome are histories of empire," Greg Woolf writes at the beginning of this superb volume, and he is not only right but wise to see the reason why we cannot let the Roman story go. Throughout our history, we have come back to it again and again—trying to grasp it, trying to see ourselves in it, trying to understand why it remains the model of the West.

A professor of ancient history at the University of St. Andrews, Woolf sweeps through almost 1,500 years of Roman history—from the founding of the city in 753 B.C. to the Muslim invasion of Spain in 711 A.D. It's a swift and easy read, filled with the kind of rich details designed to illustrate the major trends of Roman history for a general audience. As far as those trends go, Woolf points out the dual nature of the city.

On the one hand, Rome was profoundly suspicious of change and seemed—after the expulsion of the last king, Tarquin the Proud, in 509 B.C. and the founding of the republic—unwilling to abolish any institutional foible, no matter how absurd. By the time of the late republic, Rome had only one way for a proposal to become law, and dozens of ways to stop it, from the failure of a certain temple to raise a flag each morning to the judgments of the otherwise unimportant senate rulekeeper. In many ways, no matter what Cicero and Brutus thought, the republic had to give way to the empire—at Pompey's hands, if not Caesar's—simply because the senatorial system of temporarily delegated authority had become too unwieldy to manage the land area that Rome governed.

On the other hand, Woolf is at pains to demonstrate that the Romans were astonishingly quick to evolve new methods for survival, learning from their defeats and building on their victories. They certainly were not military geniuses: As generals, Pompey was good, Caesar was better, and Scipio was perhaps best of all. But the history of Roman warfare is a history of stumbles whenever the city faced a superior military mind, from Pyrrhus to Hannibal. And yet, after their lost fights, the Romans would return to the city, raise another army, and fight again.

If they were not really masters of politics, and not particularly masters of war, the Romans nonetheless had a genius for civics. Think of everything for which we really remember Rome: the aqueducts, the roads, the bathhouses, the circus stadiums—the brutally efficient military legions, for that matter, however unimaginatively they were led. Every one of them is a triumph of civil engineering and civil organization. The Romans got things done, and the things they got done were the things that needed imperial wealth, imperial manpower, and imperial expertise to accomplish. Rome behaved as an empire, even when it was only a hill town precariously perched above the Tiber River.

More than anything else, that strange new form of *civitas* defined and unified the empire. It could survive the regular bouts of civil war, the equally regular corruption of the emperor's throne, the occasional Jewish revolt, the massive Christian conversion—and even, for hundreds of years, the pressure of wave after wave of barbarians sweeping out of the East. The sheer civic competence of the Romans became the base assumption underlying all subsequent Western political organization. Far off in Carthage, Tertullian could know of Athens and Jerusalem—could see them as opposing towers in his spiritual geography—because the Romans had built almost indestructible stone roads connecting them in the physical geography of the world.

Woolf tells this story with a scholar's judicious sense of what conclusions

the evidence will actually bear, and a writer's eye for the key detail. Core samples taken from the polar ice cap, for instance, reveal levels of carbon from the first and second centuries not matched until the Industrial Revolution—which may be the best and most revealing proof of the power of Rome's civil industry. But his most controversial claim is that the universal empire came to an end, beyond all repair, with the victory of Muslim troops in Spain in 711—rather than earlier, when the Visigoths sacked Rome in 410,

fact that, no matter what their origin, most people reached by the often-brutal Roman touch quickly decided they wanted to be Roman. The defeated Jewish revolts of 66 and 132 A.D. were the exceptions that reveal how rare such rebellions were. The Ottoman and British empires are clear examples of states whose colonies and subject peoples were occasionally willing to go to war to break free and become independent countries.

The civil wars that first wracked Rome in the years of transition from



The Roman Empire at its zenith

or the Germanic chieftain Odoacer deposed the emperor Romulus Augustulus in 476, or the Lombards overran Italy at the end of the sixth century.

In this, however, Woolf is only following the long tradition, begun by Gibbon, of an inability to find a clean end to the Roman definition of the Mediterranean world. Rome dribbles on and on, far past the point where any sensible empire would have packed it in and called it a day.

Woolf sees the Islamic suzerainty, the Byzantine East, and Charlemagne's Western Christendom as Rome's successors, each a new and distinct empire with its own imperial vision. Of course, Gibbon would have understood them more as Rome's heirs, still shaped by the memory of Roman rule; and in this case, Gibbon seems right. Rome is the political idea that would not die, and the most obvious evidence is the

republic to empire were never like that. They were, instead, wars to rule Rome. When they rebelled, the Spaniards and Egyptians and Gauls aimed to put a new emperor on the throne, not to set up new kingdoms. Even at the end of the empire, the new barbarian overlords (many of them trained as soldiers in the Roman legionary system) wanted to keep Rome's administrative system in place—the Roman civil structure, in other words—even while they tried to supplant the Romans as actual political leaders.

Woolf makes much of the Roman virtue of *pietas*, but no more than the Romans themselves did. Piety was an admired (and politically necessary) personal virtue, of course; but in the *Aeneid*, the most systematic statement of the Romans' religious sense, Virgil makes clear that Rome understood piety as also, and perhaps in its

essence, a civic virtue. The empire exists because the city itself is pious. That kind of civil piety manifested itself in the Romans' conservatism, in their unwillingness to shed such institutions as the senate and the priestly augurs even after they had clearly outgrown them. All ancient empires tended toward deifying their rulers, but the Romans never believed they were replacing the gods when, say, in 14 A.D., they added the recently deceased Augustus to the official pantheon. They were paying tribute to the success of the city.

Piety appeared, too, in the Romans' way of war. At their best, the Romans displayed an utter commitment to the city: A hundred of Rome's senators died in just two years, fighting Hannibal. When they marched to conquer new territory, they promised to keep the old gods alive and worshiped. They carried out into the world a staggering confidence in their eventual victory, even while they practiced a combination of tolerance and brutality. If you paid your taxes, supported the legions and road-building crews whenever they passed through, and were willing at least to pretend the emperor was divine, the Romans would leave you alone. Their governors, prefects, and tribunes would even aid your town, seeing construction of bathhouses, aqueducts, and public forums as the natural civic duty of an administrator.

Of course, if you didn't do the minimum the Romans asked, they would destroy you, and with a ferocity only occasionally matched in the ancient world. It's the sheer impersonal competence of Roman viciousness that strikes the reader today: Other ancient rulers had practiced torture, terror executions by crucifixion, and even mass murder; but they typically did it because they liked it. The Romans did it only because it worked. They were bloody-minded, in every sense of the word, and the combination of cruelty and calmness somehow made the Romans masters at turning subject peoples into Romans.

Indeed, of turning us *all* into Romans. Woolf treats the late civil wars as almost epiphenomenal, the

interesting but ultimately unimportant background noise of politics in the Roman world. And he's right, in many ways, to do so: A serious political theory of Rome—an attempt to answer the real question of how the Roman Empire survived rather than why it fell—would pay less attention to the partisan battles over who would rule. The suicide of Nero quickly led to the wars of the Year of the Four Emperors, with Galba, Otho, Vitellius, and Vespasian jockeying each other for power. And yet, during that same year (69 A.D.), the Romans were laying their roads and increasing their industry and constructing their coliseums, building the civil infrastructure that would blossom in the next century

under what Machiavelli dubbed the “Five Good Emperors,” from Nerva to Marcus Aurelius.

That promise of civil competence, born from civic piety, is what sold the idea of universal empire to the tribes and nations conquered by Rome. It created the vision of perpetual peace, even while bloody political war raged among rival emperors. It gave people the belief that they should be able to live their lives, build their wealth, and pass their estates on to their children, even while the Romans practiced the impersonal brutality of imperial rule. It laid the road between Athens and Jerusalem, and established the plain we still assume as the base of civilization. ♦



Wife in Shadow

Oscar Wilde's marriage did not end happily.

BY ELIZABETH POWERS

Because of the prosecution of homosexual acts and imprisonment of Oscar Wilde in 1895, which ended a glittering trajectory through late Victorian English society, most people are unaware that Wilde was actually a family man, indeed initially and enthusiastically so.

He and Constance Lloyd, who also had eminent Anglo-Irish connections in Dublin, wed in 1884. At the time of their nuptials, Oscar was well known in London and also in America, having shortly before toured the United States bringing the Aesthetic gospel to the masses. Still, he was more famous for being famous than for having accomplished very much literarily; but Constance's marriage settlement enabled the couple, very much in love by all accounts, to marry and set up house in London. In the following years, she added luster to the Wilde brand.

It is surprising that no biography

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Constance

The Tragic and Scandalous Life of Mrs. Oscar Wilde
by Franny Moyle
Pegasus, 336 pp., \$28.95

of Constance appeared before 1983—although, oddly enough, that year brought forth two differently documented and often conflicting works. Surprising because Constance was a pathbreaker in many ways, not least in marrying Oscar. Franny Moyle, having written on the loves and aesthetics of the Pre-Raphaelites, now turns her attention to the Aesthetic movement, of which Oscar Wilde was the most notorious popularizer.

She begins with a dramatic *mise en scène*, the evening on which Constance learns that Oscar will press the fatal charge of libel against the Marquess of Queensberry. At that very moment he was at the height of his renown, with two plays, *An Ideal Husband* and *The Importance of Being Earnest*, showing

in the West End. What follows concerns how things reached this point and the aftermath.

Interestingly, it is the story of a marriage. According to Moyle, Constance was prepared “to partner the high priest of Aestheticism in awakening a wide public to just how far art might be extended in life.” She was well educated for a woman of her class, and she seemed to share Oscar’s gift for languages. From childhood she was already familiar with the Pre-Raphaelite painters and, later, with the writings of John Ruskin. Her dresses, reflecting the clothes made fashionable by the Aesthetic movement, created sensations: At gallery openings, “Mr. and Mrs. Wilde were offering Lillie Langtry some serious competition as the main interest for celebrity spotters.” Constance, with her interest in textiles, was probably also responsible for the avant-garde interior design of their residence in Chelsea, which was (per the Aesthetic credo) “aesthetic, practical, and healthy.”

Moyle makes up for the shortcomings of the earlier biographies—though it must be added that a familiarity with the period background would be useful to readers. Besides detailing the Wildes’ late Victorian courtship, Moyle devotes attention to Constance’s many activities, which combined Aestheticism, Liberal politics, and feminism. Constance, we are meant to understand, was her own person. She published children’s stories (including *There Was Once*, released in the same year as Oscar’s *The Happy Prince and Other Tales*), theatrical reviews, and articles on the history of women’s and children’s dress. She was an active member of the Women’s Liberal Federation and editor of the newsletter of the Rational Dress Society. She was, as were many of the trendsetters of the 1890s, also deeply involved in theosophy.

An engaging portrait of Constance, quoted by Moyle, is that of the novelist Marie Corelli, a New Ageist *avant la lettre*. Corelli’s 1892 book of satirical portraits of contemporaries caricatures Oscar as “the Social Elephant” and Constance as his dainty foil:

She does not seem to stand at all in awe of her Elephant lord. She has her own little webs to weave—silvery webs of gossamer—discussions on politics, in which, bless her heart for a charming little Radical, she works neither good nor harm. . . . She has the prettiest hair, all loosely curling about her face, and she has a low voice so modulated as to seem to some folks affected; it is a natural music. . . . [S]he dresses “aesthetically”—in all sorts of strange tints, and rich stuffs . . . with large and wondrous sleeves and queer medieval adornments—it pleases her whim to do so, and it also pleases the Elephant, who is apt to get excited



Constance and her son Cyril, 1889

on the subject of Colour. . . . [S]he does not talk much, this quaint Fairy, but she looks whole histories. Her gaze is softly wistful, and often abstracted; at certain moments her spirit seems to have gone out of her on invisible wings, miles away from the Elephant and the literary Castle, and it is in such moments that she looks her very prettiest. To me she is infinitely more interesting than the Elephant himself . . . one never gets tired of looking at the lovely Fairy who guards and guides him.

It was not a marriage of conventional domesticity, however; and for Oscar, the lover of sensuous beauty, the bloom, alas, was soon off the rose—or let us say, off Constance—after the birth of their second son in 1886. Oscar’s restless desire for new experiences, for

sensations, led to cultivating the company of young, handsome men.

Here is where the story gets murky. How much did Constance suspect of Oscar’s transition from dandyism to debauchery, especially since the press contained numerous not-so-subtle allusions to his behavior and since, by 1893, he had “effectively entered into a new marriage, with Bosie [Lord Alfred] Douglas,” distancing himself for weeks, even months, at a time from home and hearth? Were her many activities attempts to avoid the obvious? Did none of her friends enlighten her? Was “the Love that dare not speak its name” so unspeakable that she literally could not think it?

Moyle concedes that Constance’s avoidance “is hard to explain, except perhaps in terms of her fleeing from a situation that she did not wish properly to confront.” I wonder if this reticence did not also affect Oscar, who had descended so much into licentiousness that he seemed unable to grasp the extent of his own danger. Friends recommended fleeing abroad after the libel trial, allowing the uproar to die down, but he refused. Constance, in contrast, went immediately into action to protect her children, first by separating herself and her money from Oscar. She changed her children’s names and, after Oscar was imprisoned, moved with the boys to the continent, where she died in 1898 of a mysterious ailment.

In the end, Constance Wilde seems to have never gotten over her love for Oscar. Particularly touching is the correspondence Moyle includes that testifies to her continuing devotion and concern for him. After his prison term, she provided the impoverished Oscar with money and only cut off funding after he had missed a planned visit to his sons, preferring instead Lord Alfred Douglas’s company in Naples. In a perverse way, even the heartless Bosie recognized the sacrosanct nature of the marriage bond: “As to [Oscar’s] wife, he married her for love and if she had treated him properly and stuck to him after he had been in prison, as a really good wife would have done, he would have gone on loving her to the end of his life.” ♦

Tokyo Mysteries

Why Japan's most popular novelist is so popular.

BY ETHAN EPSTEIN

In the popular imagination, Japan is a tech-obsessed cyber utopia awash in neon lights, “bleeding-edge” electronics, and, of course, robots. While there is some accuracy in the clichés, it’s also true that Japan remains a nation of serious writers and readers, and not just of comic books: Its publishing industry is one of the world’s most robust, generating \$22.5 billion in 2011. (In the same period, with three times the population, American publishers grossed \$27 billion.) On the Tokyo subway, one often finds more commuters engrossed in novels than in smartphones.

So when the bookworm nation that produced masters such as Shusaku Endo, Kenzaburo Oe, and Kobe Abe crowns a new “most popular” author, it’s worth paying attention. And for the last several years, Japan’s most widely read author has been Keigo Higashino.

Higashino is a mystery writer, although his novels also delve into the well-worn realms of love, loyalty, and guilt. He’s most famous in his home country for a series of mysteries featuring a hardnosed Tokyo homicide detective named Kusanagi, who, reluctantly, turns to his old college buddy-cum-rival, a brilliant physics professor dubbed “Detective Galileo,” to help him solve tough cases.

And those cases really are tough. In *The Devotion of Suspect X*, which appeared in English last year and was made into a popular movie in Japan in 2008, Kusanagi is vexed by the seemingly unimpeachable alibi of a woman who had the only means and motive in the murder of her abusive ex-husband. The resolution, arrived at

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Salvation of a Saint

by Keigo Higashino
translated by Alexander O. Smith
Minotaur, 336 pp., \$24.99



Masaharu Fukuyama as Detective Galileo in ‘Suspect X’ (2008)

with the help of Detective Galileo, is as ingenious as it is genuinely shocking.

Salvation of a Saint is the latest Higashino novel to be translated. The plot is deceptively simple, yet maddeningly labyrinthine: A man who has just announced his intention to leave his wife turns up poisoned in his own living room two days later. A spilled coffee cup lies next to the victim; the coffee tests positive for poison.

While the husband did have a mis-

tress, there’s really only one suspect: his betrayed wife. The problem? The wife was 500 miles away from Tokyo when her husband was poisoned. Not only that, there’s no evidence that the poison was left in the house for the husband to consume: The coffee, the coffee filters, the water filters, even the bottled water in the house are found to be poison-free.

The process of unraveling just how an aggrieved wife could have managed to bump off her unfaithful husband, and from such a distance, makes up the bulk of this engaging, albeit annoyingly challenging, mystery. Kusanagi has as hard a time as any reader figuring out how the wife accomplished this feat. Indeed, the most hardened mystery aficionados—raised on a diet of Hercule Poirot, Miss Marple, and *Murder, She Wrote*—will find this one a tough nut to crack. But fear not: Once again, Detective Galileo comes through in a pinch.

Paradoxically, while the main characters in this series can seem as flat and even a trifle clichéd (Kusanagi is a cynical chain-smoker in a leather jacket, while Detective Galileo is a fitness freak in a tight T-shirt), the supporting characters add a rich texture to these tightly plotted mysteries. In *Salvation of a Saint*, the inner monologue of the victim’s mistress is convincing, even quite touching, as it reveals a woman torn among feelings of guilt, grief, and shame. In *Devotion of Suspect X*, a supporting character commits an act of astonishing generosity, which speaks to the power of human loyalty.

One of the minor pleasures of these books is the little things that a foreign reader learns about Japanese culture, things the casual visitor to Japan would probably miss. Take Kusanagi’s retrograde attitude towards the increasing number of female workers in the Tokyo police department. Or the endless fretting and doting by the parents of the few children who appear in the book, which suggests that Japan’s notorious birthrate problem might have more to do with the Japanese valuing children *too much* rather than *too little*. ♦

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Geezers with Guns

Is the Activia motion picture past its prime?

BY JOHN PODHORETZ



Sylvester Stallone

The other weekend, a movie starring Sylvester Stallone called *Bullet to the Head* died at the box office. It made \$4 million against a reported budget of \$55 million. It was preceded in death by a picture starring Arnold Schwarzenegger called *The Last Stand*, which made about \$6 million against a budget of \$30 million.

These twin disasters have cast in doubt the future of a weird mini-genre that came out of nowhere a few years ago: the Activia action picture, starring 1980s movie stars banding together to shoot some guns and beat up much younger men.

The mini-genre burst into prominence following two freakish worldwide successes: *The Expendables*, with Stallone and a bunch of B-list guys like Dolph Lundgren; and *Red*, with Bruce Willis. These wildly popular flicks seemed to suggest that today's moviegoers, like today's rock-concert attendees, really enjoy seeing the old guys come together to perform

their greatest hits one more time.

But the failures of *Bullet to the Head* and *The Last Stand* are calling the notion into question—and pity the poor studio chief who ponied up \$70 million for a

new action picture called *The Tomb* to be released later this year costarring Stallone and Schwarzenegger. He must be sweating bullets.

I missed the Arnold movie, but I did catch *Bullet to the Head*, the story of a cop and an assassin who team up against a corrupt machine in New Orleans. Despite the fact that Stallone looks like a Madame Tussaud's version of himself, and that the plot is exceedingly dumb, the movie as a whole is dark, sleazy, jumpy, ruthless, and really quite compelling.

Bullet to the Head was directed by the amazingly stylish Walter Hill, who made *The Warriors*, *48 Hrs.*, and the criminally overlooked *Geronimo*, among many other memorable films. Even after a decadelong absence from the big screen, Hill is simply incapable of delivering a stiff. You can tell you're in a pro's hands the minute the picture begins, and it ends just as well, with Stallone and a man-mountain named

Jason Momoa going at each other with fireman's axes in the best-staged fight scene in memory.

No matter; I was one of only two people to see *Bullet to the Head* in an auditorium that can seat 700. Now the only man who can save the day for the Activia action picture is Bruce Willis, who's a decade younger but still a little long in the tooth to be cavorting with a rocket launcher. He has two films about to premiere: a fourth sequel to *Die Hard*, set in Moscow, and something called *G.I. Joe: Retaliation*, in which he evidently plays the original G.I. Joe.

The action-movie gods are fickle creatures. One year, you slip *Taken* into theaters around Super Bowl Sunday just to get rid of it, and it turns around and makes \$150 million. Another year, you release a Stallone picture, a Schwarzenegger picture, and *Parker* (which I reviewed last week) to take advantage of the audience that came out for *Taken*, and that audience acts as though the multiplexes have been sprayed with man-repellent.

Might this audience have been so discomfited by the post-Sandy Hook "national conversation" about guns that it has decided to opt out of one of its guilty pleasures? It is unquestionably the case that these movies make fetishistic use of automatic weapons; the guns are photographed more slowly, more lovingly, more lasciviously than the naked women. Indeed, the love affair between man and rifle is a key selling point, as the 20 minutes of trailers before *Bullet to the Head* made clear: In every one, there are four or five shots of a lead character firing off round after round in glamorous closeup.

Action pictures are the very definition of mindless escapism: They offer their viewers a way out of the real world. If the images used to sell these movies happen to summon up unpleasant news stories that make potential audience members uncomfortable and unhappy, those people might just avoid such movies precisely because they don't want to think about the unpleasantness. They don't want to think about anything, really. *Bullet to the Head* certainly doesn't want them to think, but with a title like that, how can they help it? ◆

Bullet to the Head
Directed by Walter Hill



John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

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